CITY OF HUNTINGTON BEACH

2000 MAIN STREET CALIFORNIA 92648

OFFICE OF THE CITY CLERK
JOAN L. FLYNN
CITY CLERK

October 7, 2005

Institute of Government Studies Library
University of California, Berkeley
109 Moses Hall #2370
Berkeley, CA 94720

Re: **Local Coastal Program Amendment No. 01-01**

Pursuant to *Government Code Section 50110 - Publications; Copies for State Library and University; Preservation* we are transmitting the following document(s):

City of Huntington Beach Resolution No. 2004-19
Adopting LCPA No. 01-01

If you have any questions, please call the Office of the City Clerk at 714-536-5227.

Sincerely,

Patty Esparza

Patty Esparza
Deputy City Clerk

enclosures: Certified Copy of City of Huntington Beach Resolution No. 2004-19

RESOLUTION NO. 2004-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 01-01 (ZONING TEXT AMENDMENT NO. 01-05) AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30410, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 01-01 which is a request to amend Specific Plan No. 4 (Huntington Harbour Bay Club Specific Plan); and

Such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public hearing on the proposed Huntington Beach Local Coastal Program Amendment No. 01-01, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the Huntington Beach Local Coastal Program Amendment No. 01-01, consisting of Zoning Text Amendment No. 01-05, a copy of which is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein, is hereby approved.

2. That the California Coastal Commission is hereby requested to consider, approve, and certify Huntington Beach Local Coastal Program Amendment No. 01-01.

3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 01-01 will take effect immediately upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513, and 30519.

Exhibit
Resolution 2004-19

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT NO. 01-05 AND LOCAL COASTAL PROGRAM AMENDMENT NO. 01-01

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 01-05:

1. Zoning Text Amendment No. 01-05 to amend Specific Plan No. 4 (Huntington Harbour Bay Club Specific Plan) by: 1) reconfiguring Planning Areas A through D; 2) allowing residential use in Planning Area B; 3) adding development standards for the future residential development in Planning Area B; and 4) updating the overall format of the Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. It will continue to allow a combination of commercial, public recreation, and residential uses which are consistent with the subject site's General Plan land use designation of M-sp (Mixed Use – Specific Plan Overlay).

2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amended Specific Plan will allow the new Planning Area B to be recycled into a residential use that is compatible with the uses prescribed for in the Specific as well as the surrounding area.

3. A community need is demonstrated for the change proposed. The existing banquet facility and tennis club is a less than compatible use. The demand for the facility has declined and the facility has fallen into disrepair. The Specific Plan amendment to allow single family residential development in place of the banquet facility and tennis club will result in a more productive use of the property and will add to the housing stock.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The amended Specific Plan will allow the replacement of an underutilized commercial facility, which represents a nominal source of sales tax and jobs, with a more compatible residential use that will provide new housing opportunities for the community.

SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 01-01:

1. The Huntington Harbour Bay Club Specific Plan area has a General Plan Land Use designation of M-sp (Mixed Use – Specific Plan Overlay) which permits single and mixed-use areas that may include residential and commercial uses. Local Coastal Program Amendment No. 01-01 to the Huntington Beach Local Coastal Program in accordance with Zoning Text Amendment No. 01-05 is consistent with the General Plan designation because the amended Specific Plan will continue to permit a variety of uses such as commercial, public recreation, and residential.

2. The proposed change to the Local Coastal Program is in accordance with the policies, standards and provisions of the California Coastal Act that encourage coastal dependent uses and protect public

access and public recreation. The amended Specific Plan will continue to allow for the existing public marina. Additionally, public access to the shoreline and public recreational opportunities will continue to be provided while allowing for new residential development more compatible with the area. The proposed residential development will be located in an existing developed area where adequate public services are provided and where it will not have significant adverse effects on coastal resources.

3. The amended Specific Plan conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act because it will continue to require property owners in the Specific Plan area to irrevocably offer to dedicate an easement for public access and passive recreation along the shoreline and the beach and provide ten public beach access parking spaces.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 5th day of April, 2004.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

1/20/04

RE 1-20-04

REVIEWED AND APPROVED:

City Administrator

INITIATED AND APPROVED:

Planning Director

ATTACHMENTS:

Exhibit A: Ordinance No. 3634 (Zoning Text Amendment No. 01-05)

Res. No. 2004-19

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **5th day of April, 2004** by the following vote:

AYES: Sullivan, Hardy, Green, Houchen
NOES: Coerper, Boardman, Cook
ABSENT: None
ABSTAIN: None

Connie Brockway
City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

ORDINANCE NO. 3634

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING SPECIFIC PLAN 4 (HUNTINGTON HARBOUR BAY CLUB SPECIFIC PLAN) BY RECONFIGURING SUBAREAS A THROUGH D, ALLOWING RESIDENTIAL USE IN SUBAREA B, ADDING DEVELOPMENT STANDARDS FOR RESIDENTIAL USE, AND UPDATING THE OVERALL FORMAT OF THE SPECIFIC PLAN (ZONING TEXT AMENDMENT NO. 01-05)

WHEREAS, pursuant to California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-05, which amends Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) by reconfiguring subareas A through D, allowing residential use in subarea B, adding development standards for residential use, and updating the overall format of the Specific Plan; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) is hereby amended and restated as set forth in the document entitled "Huntington Harbour Bay Club Specific Plan," a copy of which is attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein.

SECTION 2. This ordinance shall take effect immediately upon certification of Local Coastal Program Amendment No. 01-01 by the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of June, 2004.

Cathy [signature]
Mayor

ATTEST:

Joan A. Flynn
City Clerk

APPROVED AS TO FORM:

R E Jan 3/16/04
City Attorney

REVIEWED AND APPROVED:

Ray Silver
City Administrator

INITIATED AND APPROVED:

[signature]
Director of Planning

ATTACHMENTS:

Exhibit "A" Amended Huntington Harbour Bay Club Specific Plan

ord/04Zoning/ZTA 01-05/3/16/04

EXHIBIT A

HUNTINGTON HARBOUR BAY CLUB

City of Huntington Beach
SPECIFIC PLAN NO. 4

HUNTINGTON HARBOUR BAY CLUB

City of Huntington Beach

SPECIFIC PLAN NO. 4

Prepared by: Michael C. Adams Associates
Richard Harlow Associates
Hunsaker & Associates
C. Allen Design
A very Swell Idea, Inc.

April 5, 2004

Adopted February 1983
Ordinance No. 2605
Amendment No. 1 - July 1984
Resolution No. 5389
Amendment No. 2 - April 2004
Resolution No. 2004-19
Ordinance No. 3634

SECTION ONE – INTRODUCTION

SECTION TWO – PROJECT AREA DESCRIPTION

SECTION THREE – IMPLEMENTATION

SECTION FOUR – SPECIFIC PLAN CONCEPT

SECTION FIVE – DESIGN GUIDELINES

SECTION SIX – DEVELOPMENT REGULATIONS

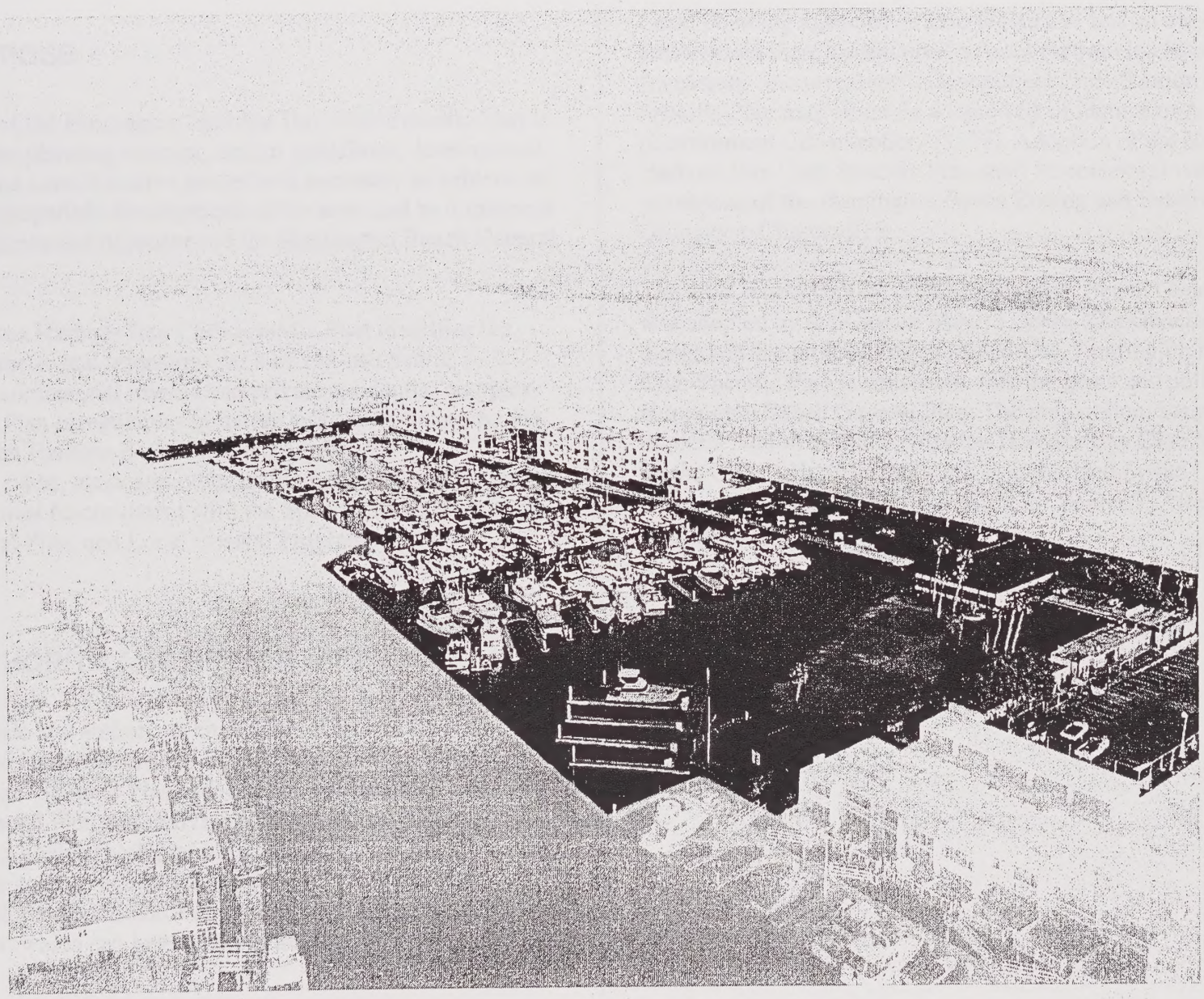


Exhibit 1.1 Aerial Photograph (Looking southeast)

1.0 PURPOSE

The purpose of the Huntington Harbour Bay Club Specific Plan is to establish the planning concept, design guidelines, development regulations and administrative procedures necessary to achieve an orderly and compatible development of the area, and to implement the goals, policies and objectives of the Huntington Beach General Plan.

The Huntington Harbour Bay Club Specific Plan identifies the location, character and intensities for a mixed-use public recreational, commercial marina and private residential complex. The Specific Plan is regulatory in nature and serves as zoning for the Huntington Harbour Bay Club site. Subsequent development plans, maps and other entitlement requests for the project area must be consistent with the Specific Plan, Huntington Beach General Plan, and Local Coastal Program.

1.1 AUTHORITY AND PROCEDURE

California State law authorizes cities with complete General Plans to prepare and adopt Specific Plans (Government Code Sections 65450 et. Seq.). Specific Plans are intended to be a bridge between the local General Plan and individual development proposals. Specific Plans contain both planning policies and regulations, and may combine zoning regulations, capital improvement programs, detailed development standards and other regulatory methods into one document which can be tailored to meet the needs of a specific area.

Local planning agencies or their legislative bodies may designate areas within their jurisdictions as ones for which a Specific Plan is "necessary or convenient" (Government Code Section 65451). A Specific Plan may either be adopted by ordinance or resolution (Government Code Section 65507). Adoption of the Huntington Harbour Bay Club Specific Plan shall be consistent with the provisions of the Huntington Beach Zoning and Subdivision Ordinance, Chapter 215.

The most recent version of the Huntington Beach General Plan was adopted by the City on May 13, 1996. The General Plan designates the project area as Mixed Use. Huntington Harbour Bay Club Specific Plan is consistent with the goals and policies of the Huntington Beach General Plan. The preparation, adoption and implementation of the Huntington Harbour Bay Club Specific Plan by the City of Huntington Beach is authorized by the California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457.

1.2 SCOPE AND FORMAT

The Huntington Harbour Bay Club Specific Plan is divided into six sequential sections.

Section One is the Introduction and describes the purpose and intent of the document along with a brief explanation of Specific Plan procedures and authorization.

Section Two is the Project Area Description and is intended to establish the reasons why the Specific Plan process is logical and necessary for this portion of the City. This section presents a general description of the Specific Plan area including designated land uses, existing zoning and other activities. In addition, special characteristics and existing conditions, which make this area unique, have been identified.

Section Three presents the Implementation process and discusses how individual projects and improvements will be reviewed and approved. This section outlines the project approval procedures and the methods by which the Specific Plan can be modified or amended.

Section Four describes the Specific Plan Concept. The design concept evolves from the objectives outlined in Section One and the existing conditions discussed in Section Two, along with input from numerous public meetings and special studies conducted by and for the City.

Section Five establishes Design Guidelines for the entire project area and for individual project development. This section identifies and describes the intended character for the area and provides a framework for project implementation.

Section Six presents a detailed description of the Development Regulations which are necessary to guide and control new projects and carry out the goals and policies of the Specific Plan and the City's General Plan.

An **Appendix** has been compiled which contains the legal description of the site, and identifies the mitigation measures resulting from the environmental review process.

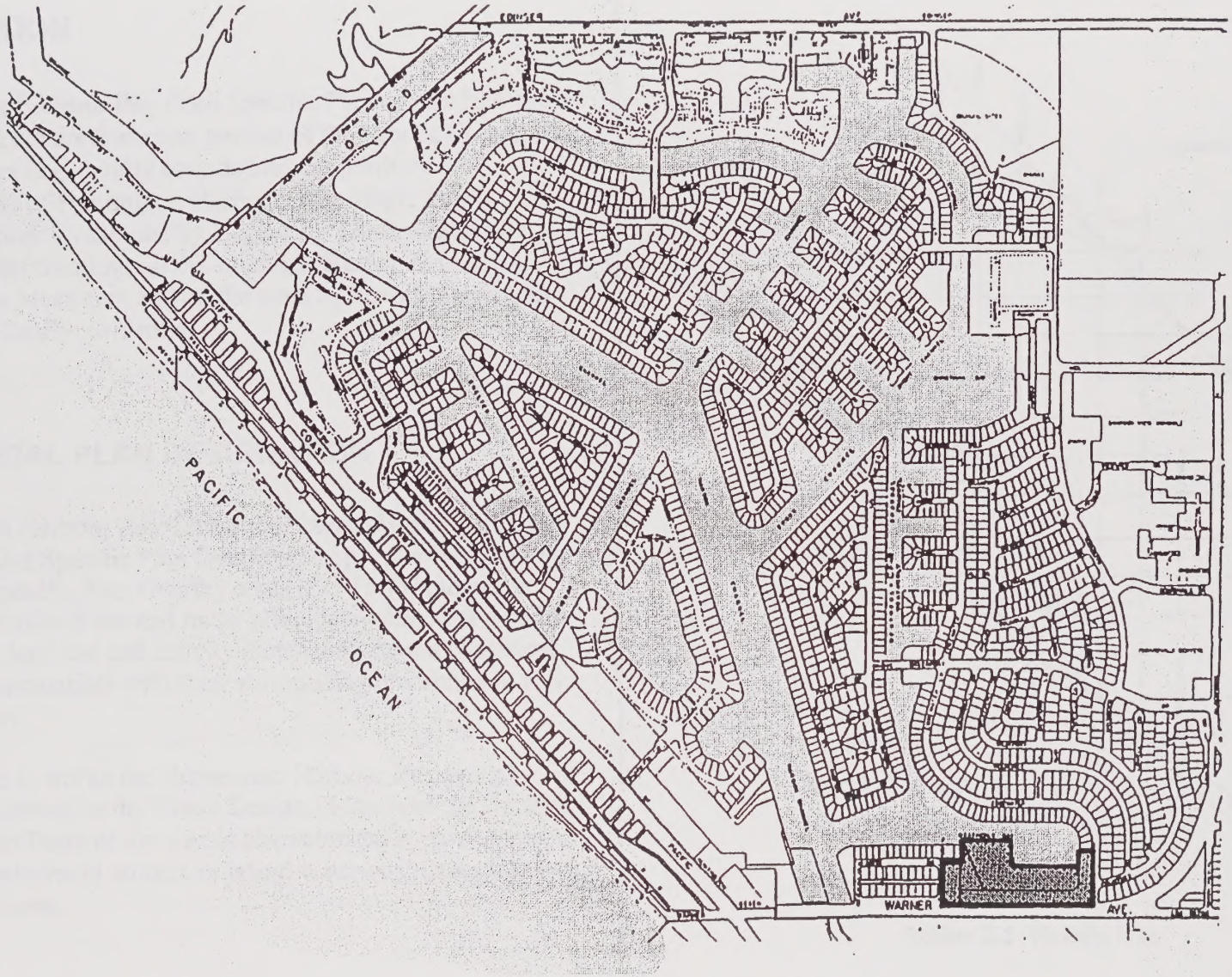


Exhibit 2.1 Map of Huntington Harbour

2.0 LOCATION

The Huntington Harbour Bay Club Specific Plan covers 10.6 gross acres located in the northwestern portion of the City of Huntington Beach. The area is generally bounded on the north by the navigable waters of Huntington Harbour, with single family residential beyond; on the east by Edgewater Lane, with single family residential fronting; on the south by Warner Avenue and the Bolsa Chica Mesa area and on the west by Sceptre Lane with adjacent multi-family residential.

2.1 GENERAL PLAN DESIGNATION

The Huntington Harbour Bay Club site is currently designated as Mixed Use with a Specific Plan Overlay (M-sp). The General Plan objective for Specific Plan Overlay areas (LU 15.1) is to ensure that large scale, mixed use and multi-phased development projects and significant land use and activity districts achieve a consistent character, are compatible with their surrounding environment and benefit the City.

The project site is within the Huntington Harbour Residential District as designated in the Urban Design Element of the General Plan. The Urban Form of the area is characterized by two story residential development around an island waterway network linked to the Pacific Ocean.

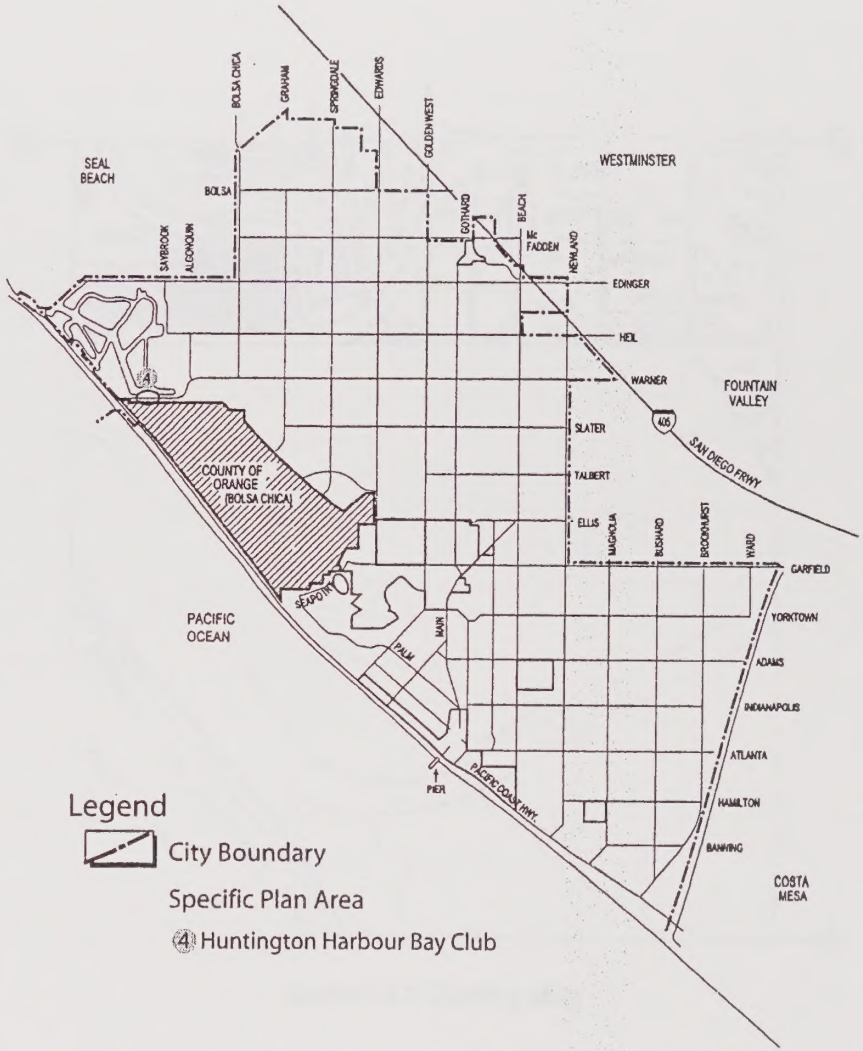


Exhibit 2.2 Vicinity Map

2.2 ZONING

The Huntington Harbour Bay Club area is currently zoned with a Specific Plan adopted by the City Council in February 1983 (Ordinance No. 2605) and revised in July 1984 (Resolution No. 5389). The adoption of this Specific Plan will supersede the existing Specific Plan zoning and establish an amended set of development regulations.

2.3 CURRENT LAND USES

The Huntington Harbour Bay Club site currently consists of a number of activities (Exhibit 4.6 – Page 21). The site was approved and developed in numerous phases over many years beginning in the early 1960s. The primary use is the Huntington Harbour Marina. The marina can accommodate 164 boats up to 45 feet in length. There is a small marina office building with public restroom facilities and a parking lot with 128 parking spaces. Adjacent, public facilities include a 0.40 acre-beach area connected to the marina via a ten-foot wide public promenade. Ten additional parking spaces are set aside for beach access.

The 36-unit Huntington Harbour Bay Club condominium project occupies a significant portion of the site. The project is divided into two three-story buildings with all required parking located in a semi-subterranean structure. The project includes a recreation area consisting of a swimming pool and spa and large community clubhouse.

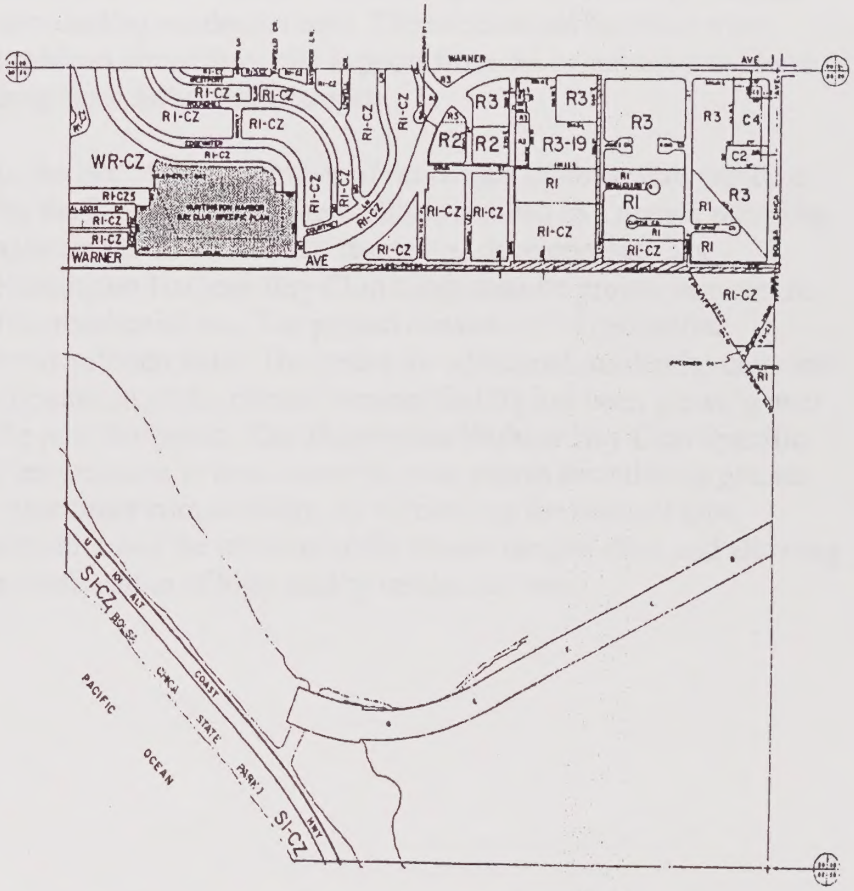


Exhibit 2.3 Zoning Map

The Huntington Harbour Bay Club banquet facility located in the western portion of the site consists of approximately 15,000 square feet in a two-story structure. The facility is only used for private functions and does not maintain regular hours of operation. There are other facilities on the property which have not been used in years and are currently in a state of deterioration. These include two tennis courts, with changing rooms and a building formerly known as the "Barefoot Bar" (750 sq. ft.), located at the entrance to the marina.

2.4 PLANNING HISTORY

The Huntington Harbour Bay Club project area has been the subject of many special studies over the past forty years. In the early 1960s, Christiana Corporation began development of the Huntington Harbour waterfront residential project. Huntington Beach was one of the fastest growing cities in the country during the 1960s, primarily due to the annexation of large land areas adjacent to the City core. The Huntington Harbour area was one of these numerous annexations. The Bay Club facilities served as part of the real estate developer's promotional efforts to attract potential buyers. The Bay Club originally served as the Huntington Harbour clubhouse, with semi-private dining and drinking along with the recreational activities of a racquet club and community beach. The community facilities never became popular with the majority of the area's new residents. A number of unsuccessful attempts were made to turn the facilities into a viable commercial restaurant and racquet club.

By the late 1970s, the facilities were primarily used for banquets, private parties and special occasions. These activities continue today and have become a less than compatible activity with the surrounding residential uses. The recreational facilities were unable to obtain financial support from the community and have long since fallen into disrepair.

In the late 1980s, a number of residential options were explored for the Bay Club site. These efforts resulted in a phased planning approach to accommodate residential development. The Huntington Harbour Bay Club condominium project became the first residential use. The project consists of 36 residential condominium units. The desire for additional residential units and elimination of the current banquet facility has been growing over the past few years. The Huntington Harbour Bay Club Specific Plan proposes to implement the next step in establishing greater community compatibility, by eliminating the banquet type activities and the remains of the former racquet club, and allowing a continuation of high quality residential uses.

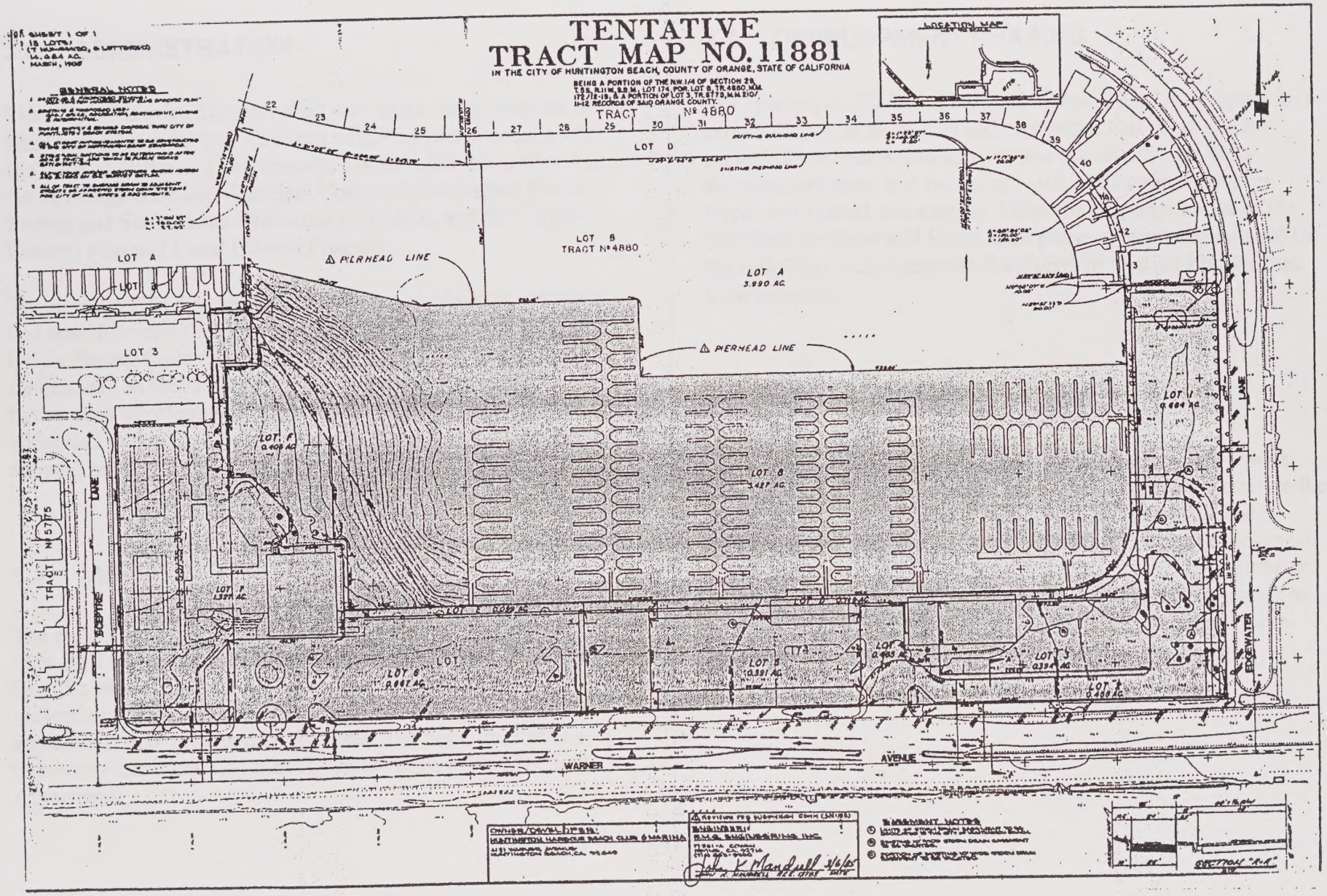


Exhibit 3.1 Tentative Tract Map No. 11881

3.0 ADMINISTRATION

The City's Planning Director shall administer the provisions of the Huntington Harbour Bay Club Specific Plan in accordance with the State of California Government Code, Subdivision Map Act, the Huntington Beach Municipal Code, the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and the City's General Plan and Local Coastal Program.

The Specific Plan development procedures, regulations, standards and specifications shall supersede the relevant provisions of the City's Zoning Code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Any development regulation and building requirement not addressed in the Specific Plan shall be subject to the City's adopted regulations in effect at the time of an individual request.

3.1 METHODS AND PROCEDURES

The methods and procedures for implementation of the Specific Plan shall be on a project-by-project basis. The adoption of the Specific Plan alone will not require any improvements to the project area. Physical improvements will only coincide with the approval of new development projects. The Specific Plan is a regulatory document and is not intended to be a Development Agreement.

3.2 DEVELOPMENT PHASING

The Huntington Harbour Bay Club Specific Plan is designed for a certain degree of flexibility and recognizes that development projects have been constructed over a period of years. New development starts and occupancy will be dictated by market forces and phased accordingly. Since the proposed re-use of the Bay Club facilities will be the final phase of improvements for the Specific Plan area, a separate development Phasing Plan has not been prepared.

3.3 APPLICATION PROCEDURE

The Specific Plan requires that all requests for development be accompanied by an application for a Conditional Use Permit to the Planning Commission along with review by the city's Design Review Board. Residential developments of 20 units or less shall require a Conditional Use Permit from the Zoning Administrator. A Coastal Development Permit may also be required pursuant to Chapter 245 of the HBZSO. Any request for subdivision or re-subdivision of a parcel shall also be accompanied by an application for a Tentative Map.

Subdivision Maps

The project area Tract Map may be further subdivided. Proposed maps shall be prepared consistent with the Master Plan Concept (Exhibit 4.2 – Page 18) to create developable sites. These maps shall be submitted along with current geological information on the site and identify any infrastructure and improvements necessary to support the anticipated projects, subject to review by the City.

Upon recordation, parcels may be further divided and/or adjusted by filing a subsequent Map or a Lot Line Adjustment, pursuant to the provisions of the Subdivision Map Act. A parcel may be created with or without a specific project plan. A subdivision may be approved, or conditionally approved providing the proposal is found to be in compliance with the Specific Plan.

Project Entitlement

Any proposed development within the Specific Plan area shall be subject to the approval of a Conditional Use Permit, Coastal Development Permit, and Design Review as provided in the Huntington Beach Zoning and Subdivision Ordinance.

At the time of project entitlement, a determination from the State Lands Commission shall be submitted stating that no State lands and/or lands subject to the public trust are involved in the project, or that any such lands have received all necessary authorizations required by the State Lands Commission.

Development Agreement

If a Development Agreement is proposed, a Preliminary Agreement shall be filed concurrently with the applications for a Conditional Use Permit and Tentative Map. Said Development Agreement shall establish phases for development and coordinate major development activities.

A public hearing for the Development Agreement shall be held concurrently with the public hearing for the Conditional Use Permit and Tentative Map.

3.4 ENVIRONMENTAL DETERMINATION

The extent and intensity of all anticipated development activity for the Huntington Harbour Bay Club area has been identified in the Specific Plan and analyzed in an Environmental Assessment accompanying this Specific Plan.

Development project requests consistent with the Specific Plan shall not be subject to additional environmental review unless otherwise required by CEQA. However, the Planning Director may request an additional environmental assessment for unique or unusual circumstances that have not been previously addressed in the initial environmental review.

The City shall impose any applicable environmental mitigation measures, as specified in the environmental review as conditions of approval on individual projects. Such conditions of approval shall describe the time period and manner in which the mitigation measure must be satisfied.

3.5 REQUEST FOR DEVIATION

The Huntington Harbour Bay Club Specific Plan Development Regulations and Design Guidelines are intended to encourage projects, which create an aesthetically pleasing appearance, enhance the environment, and facilitate innovative quality architectural design and an adaptation to the surrounding environment.

Deviations pertain only to the Development Regulations of the Specific Plan and may be granted for special circumstances and/or unique architectural features. Requests for Deviation may include but are not limited to parcel size, building height, site coverage, setbacks, open space, parking, and landscaping. The Planning Director may consider deviation requests up to ten (10) percent of any single standard. Projects subject to entitlement review may not request for deviation. Deviations greater than ten (10) percent or deviations for projects subject to entitlement review must be approved by a Variance, subject to the procedures outlined in the City's Zoning and Subdivision Ordinance.

Deviations may be allowed when, in the opinion of the Planning Director, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. These benefits may include: additional open space, greater setbacks, and unique/innovative designs.

The Planning Director may approve the Request for Deviation in whole or in part upon making the following findings:

- Promote better design, environmental and land planning techniques and contribute to the economic viability of the community, through aesthetically pleasing architecture, landscaping and site layout; and
- Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
- Be consistent with objectives of the Specific Plan in achieving a project adapted to the area and compatible with the surrounding environment; and
- Be consistent with goals and policies of the City's General Plan, and comply with State and Federal Law.

3.6 HOMEOWNERS' ASSOCIATION

Approval of all development projects shall be subject to submission of a legal instrument or instructions setting forth a plan or manner of permanent care and maintenance of common open spaces, recreational areas, and community facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and by the Planning Director as to suitability for the proposed use of all common areas. If the common open spaces are to be conveyed to a Homeowners' Association, the developer shall file a Declaration of Covenants to be submitted with the application for approval, that will govern the association.

- The Homeowners' Association shall be established prior to the sale of the last dwelling unit.

- Membership shall be mandatory for each buyer and any successive buyer.
- The open space restrictions shall be permanent.
- Phased development which requires one or more final maps, may need to establish reciprocal covenants, conditions, restrictions, management and maintenance agreements, and may require a merging of increments as they are completed, and embody one Homeowners' Association with common areas for the total development.

3.7 SPECIFIC PLAN AMENDMENTS

The Specific Plan can be amended. The Planning Director shall have the discretion to determine if requests for modification to the Specific Plan are minor or major. Minor modifications may be accomplished administratively by the Director. Major modifications will require the processing of a Zoning Text Amendment, subject to the City's processing regulations in place at the time of the request.

Minor modifications are simple amendments to the exhibits and/or text, which are intended to clarify and not change the meaning or intent of the Specific Plan. Major modifications are amendments to the exhibits and/or text, which are intended to change the meaning or intent of the Specific Plan.

3.8 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this title, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title, or any future amendments or additions hereto. The City hereby declares that it would have adopted these titles and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

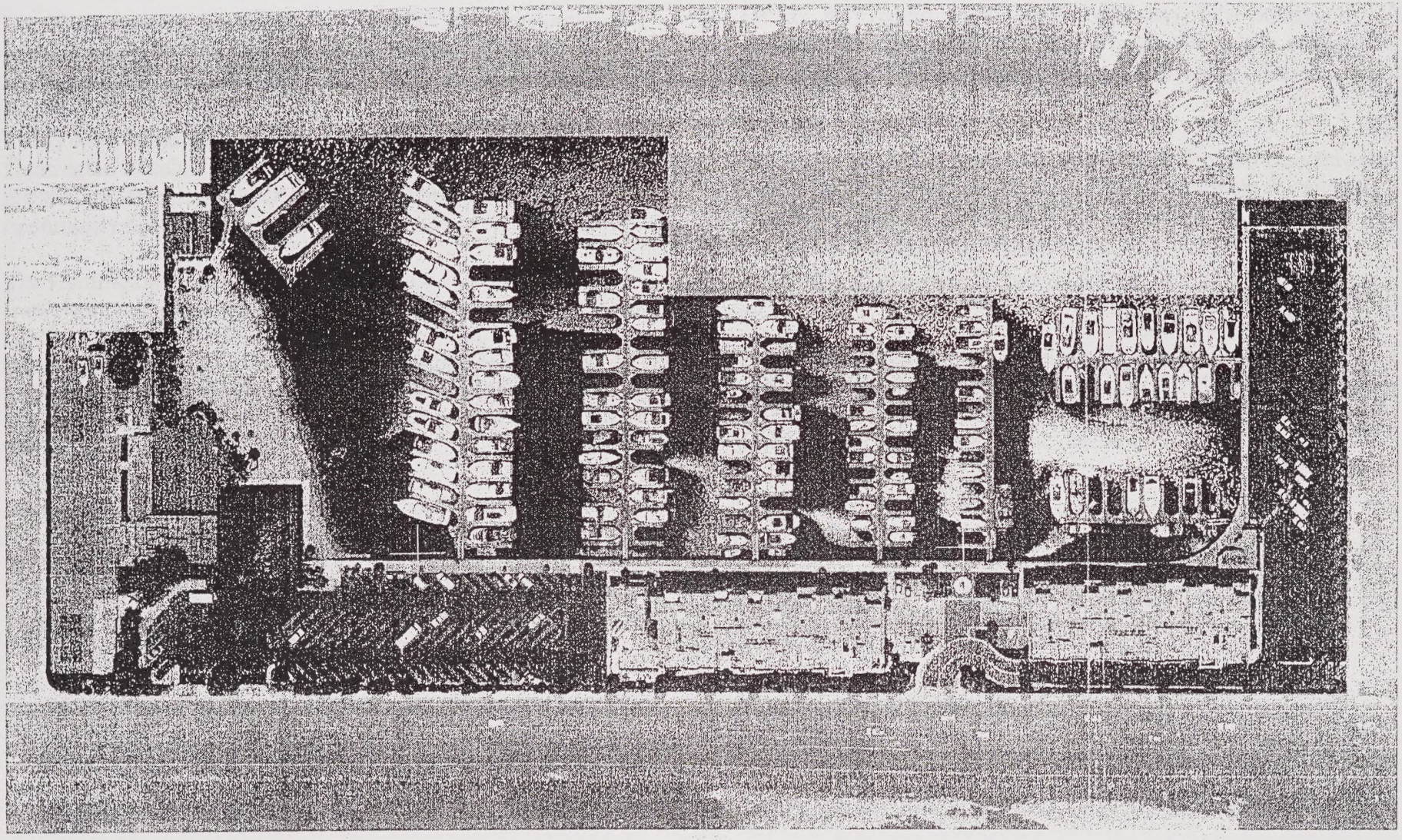


Exhibit 4.1 Aerial Photograph

4.0 DEVELOPMENT CONCEPT

The Huntington Harbour Bay Club Specific Plan development concept provides for a planned mixed-use complex in the northwestern portion of the City of Huntington Beach. The Specific Plan is designed to allow for development in a manner that is compatible with the surrounding neighborhood and City of Huntington Beach. The area has been incrementally developed in phases over an extended period of time, which has provided an opportunity for a variety of activities.

The Huntington Harbour Bay Club Specific Plan provides the framework and guidelines necessary to create a unique, high quality mixed-use facility. The site's natural features and location make the area ideal for a variety of compatible land uses and activities. Design measures encompassing site planning, area landscaping, building architecture, streetscapes and pedestrian linkages have been established.

An illustrative Site Plan has been prepared showing complete build out of the area utilizing the various guidelines described in the Specific Plan. The plan provides a conceptual layout identifying possible building orientation and placement, parking design and access, roadway configuration, entryways and landscaping. It is only intended for illustrative purposes to present an image of how the site may be developed and is not to be construed as the definitive plan for the area. It has not been evaluated for conformance to City standards and these development regulations. Prior to any further development within the area, individual project entitlements must be approved.

The Specific Plan recognizes that the major portion of the project area has been developed around the existing marina facility operations. The Specific Plan anticipates a continuation of the facility. Any modifications and/or expansion of the existing facility shall continue to be regulated by the provisions of the Specific Plan and the Huntington Beach Zoning and Subdivision Ordinance.

The Specific Plan identifies and requires sufficient infrastructure and public facilities to adequately and efficiently support any and all anticipated uses and activities. These improvements have been phased to coincide with or precede individual development projects.

The Specific Plan proposes to limit residential development to 11 single family homes and 42 multi-family condominium units. By limiting residential activity within the Specific Plan, the area will be able to develop in a manner much more consistent with the Urban Design and visual characteristic objectives of the General Plan.

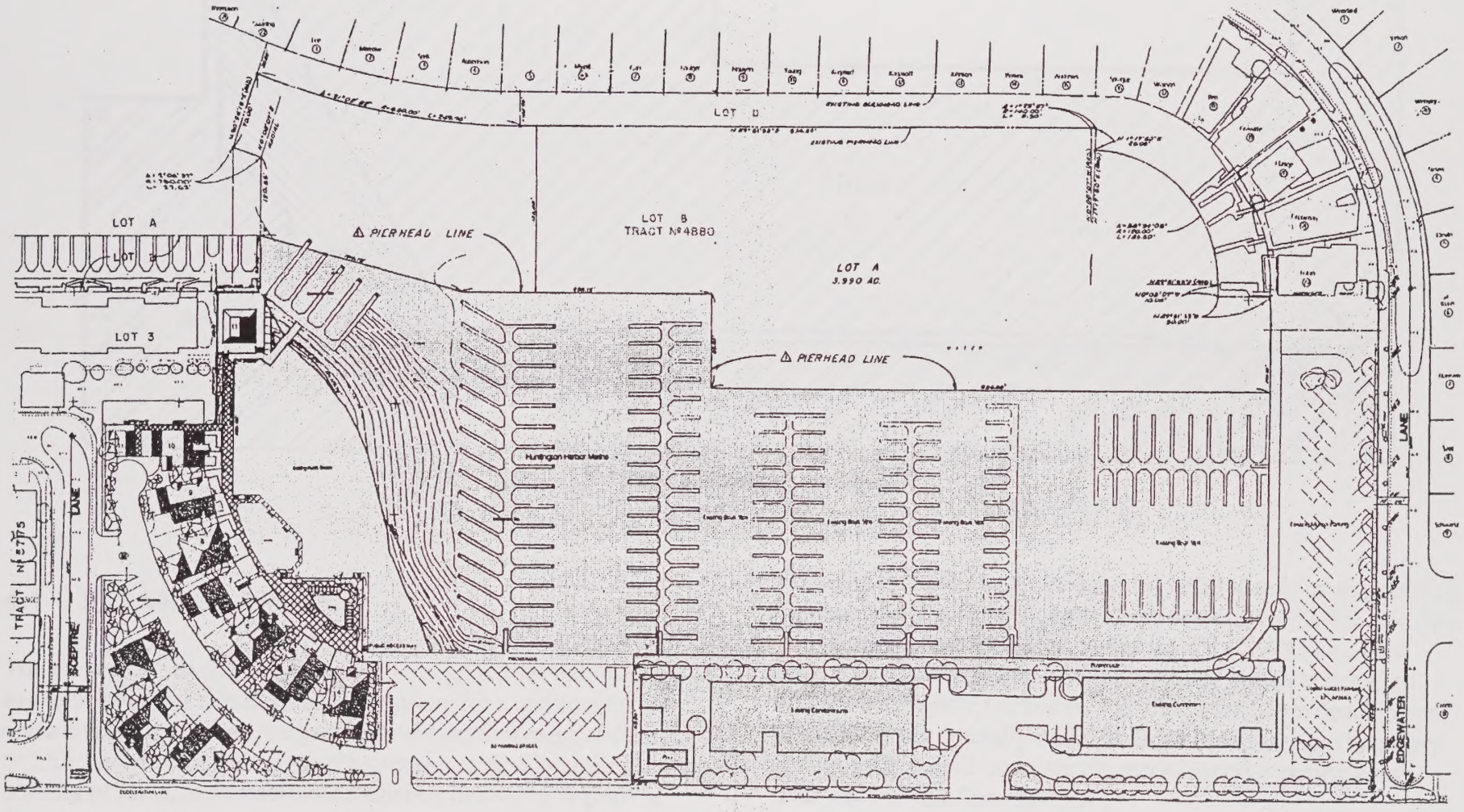


Exhibit 4.2 Illustrative Site Plan

(Plan has not been reviewed in accord with City standards and these development regulations. Final plan approved may vary significantly.)

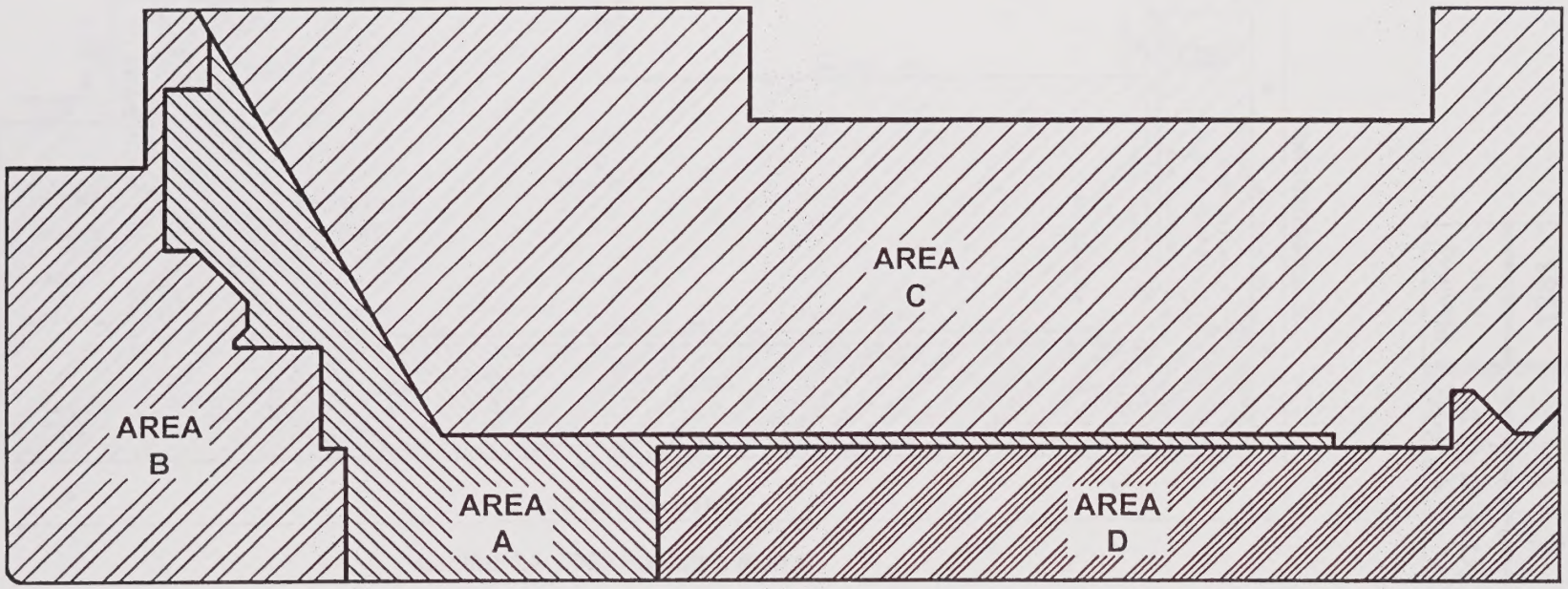


Exhibit 4.3 Planning Area Map

4.1 PLANNING AREAS

The purpose of identifying separate Planning Areas (Exhibit 4.3) is to create a distinct cluster of uses and allow for a continuation of current activities while anticipating future development within an overall master plan. This approach recognizes development, phasing patterns, and establishes sufficient flexibility to provide for future opportunities.

Four distinct planning areas were originally identified as providing opportunities for different and related activities. This Specific Plan will reconfigure the Planning Areas from the 1983 Plan. This change is intended to create Planning Areas which better align with their designated activities and allows for future development activities to occur totally within a single Planning Area boundary. Exhibits 4.4 and 4.5 compare the reconfigured Planning Areas from 1983 to this Specific Plan.

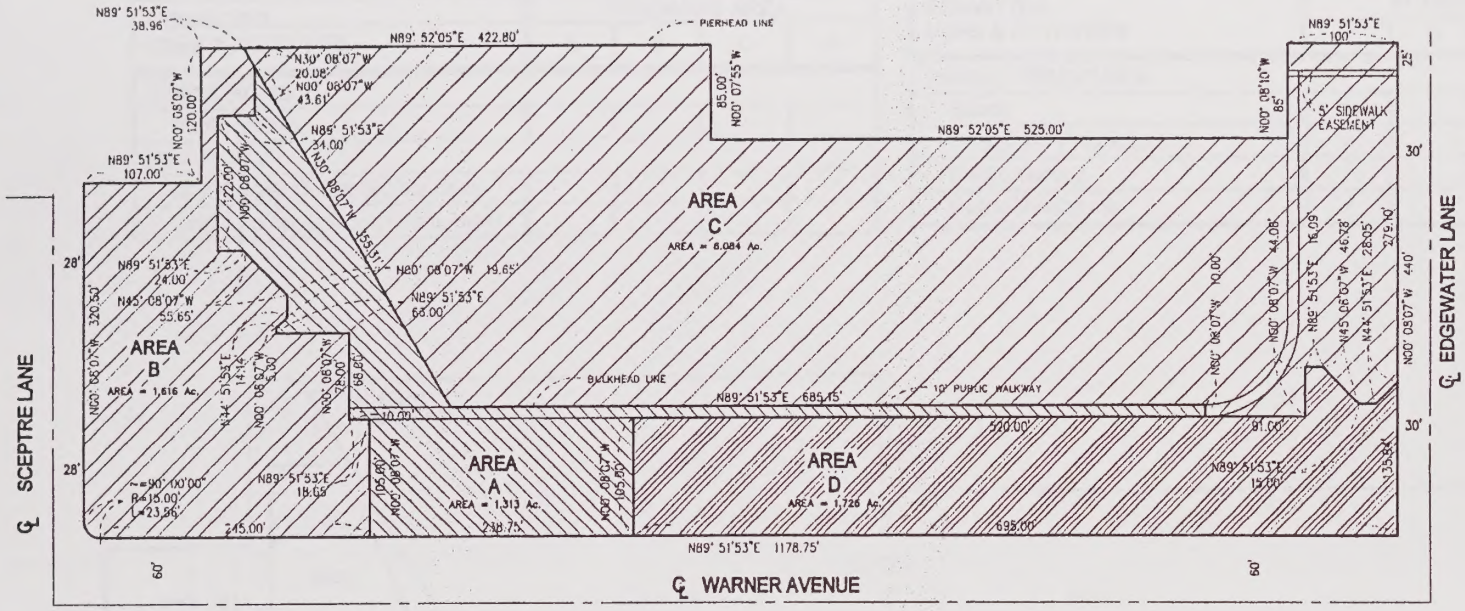


Exhibit 4.4 2003 Planning Areas

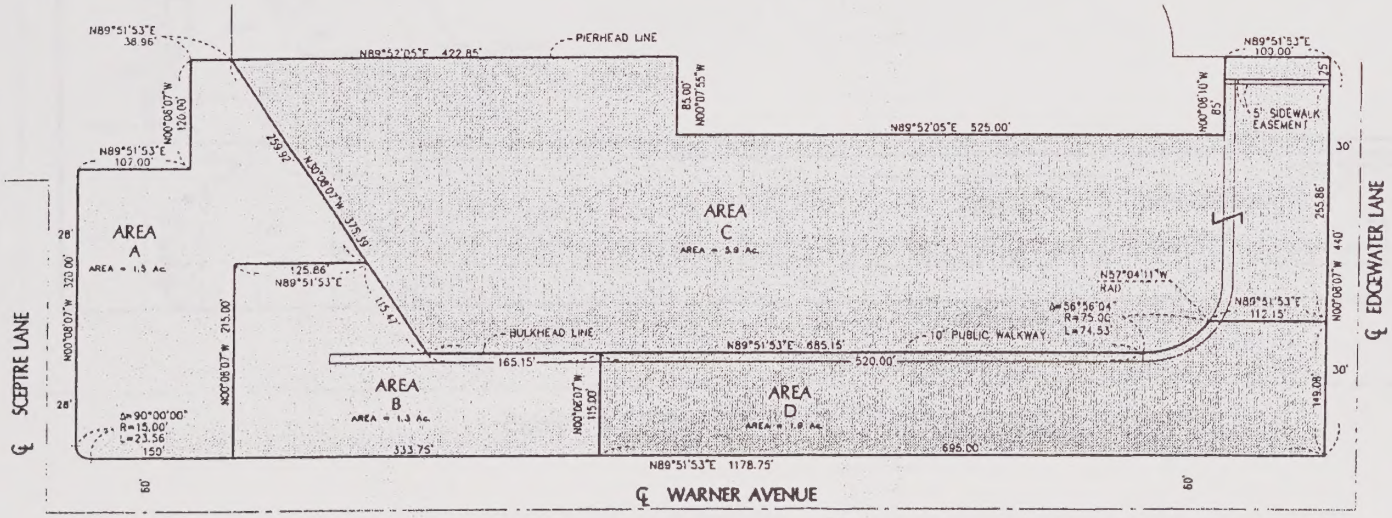


Exhibit 4.5 1983 Planning Areas

Planning Area	1983	2003
A	1.5	1.3
B	1.3	1.6
C	5.9	6.0
D	1.9	1.7
Total Net Acres	10.6	10.6

PERMITTED USES & ACTIVITIES	PLANNING AREA A	B	C	D
COMMERCIAL				
Public Marina			•	
RESIDENTIAL				
Multi-Family Condo (42 d.u. max)				•
Single Family Condo (11 d.u. max)		•		

PERMITTED USES & ACTIVITIES	PLANNING AREA A	B	C	D
PUBLIC / SEMI-PUBLIC				
Beach	•			
Pedestrian Promenade	•		•	
Public Parking	•		•	
Public Restrooms	•		•	

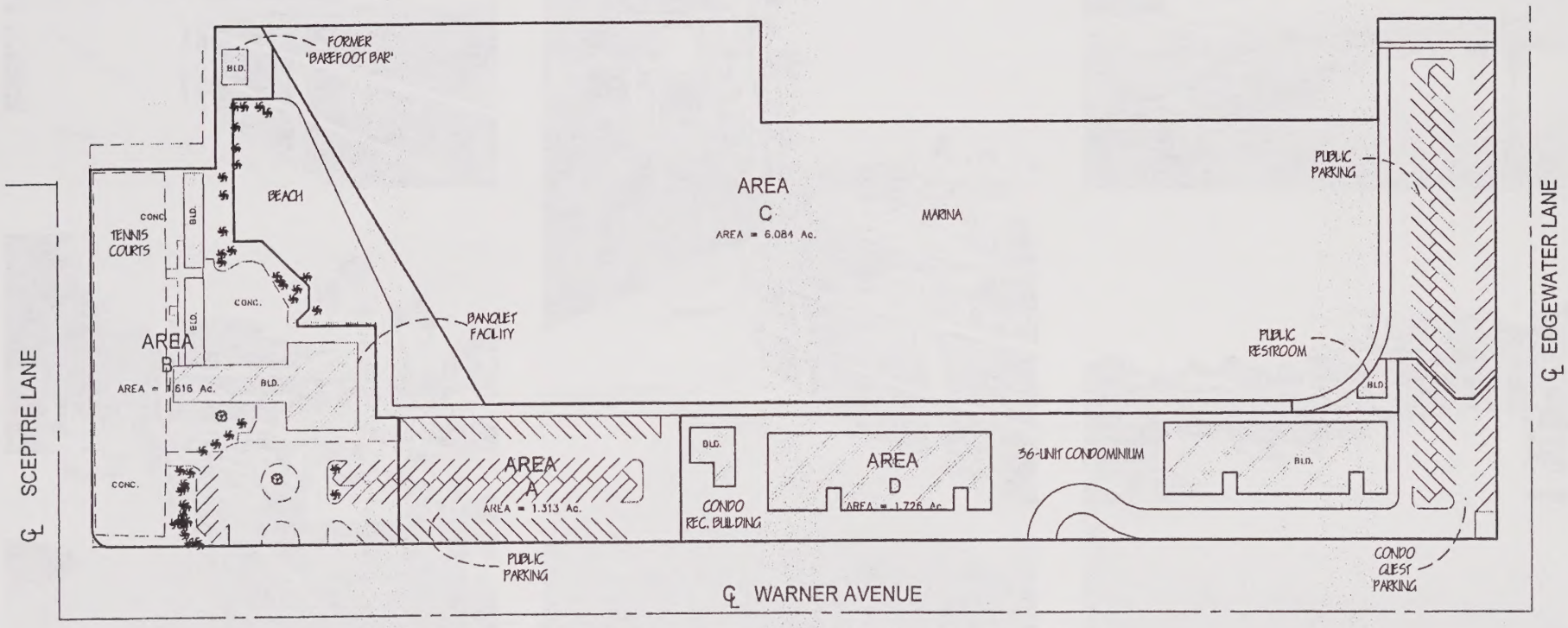


Exhibit 4.6 Planning Areas (With Existing Site Conditions)

Exhibit 4.7 Images of Area A

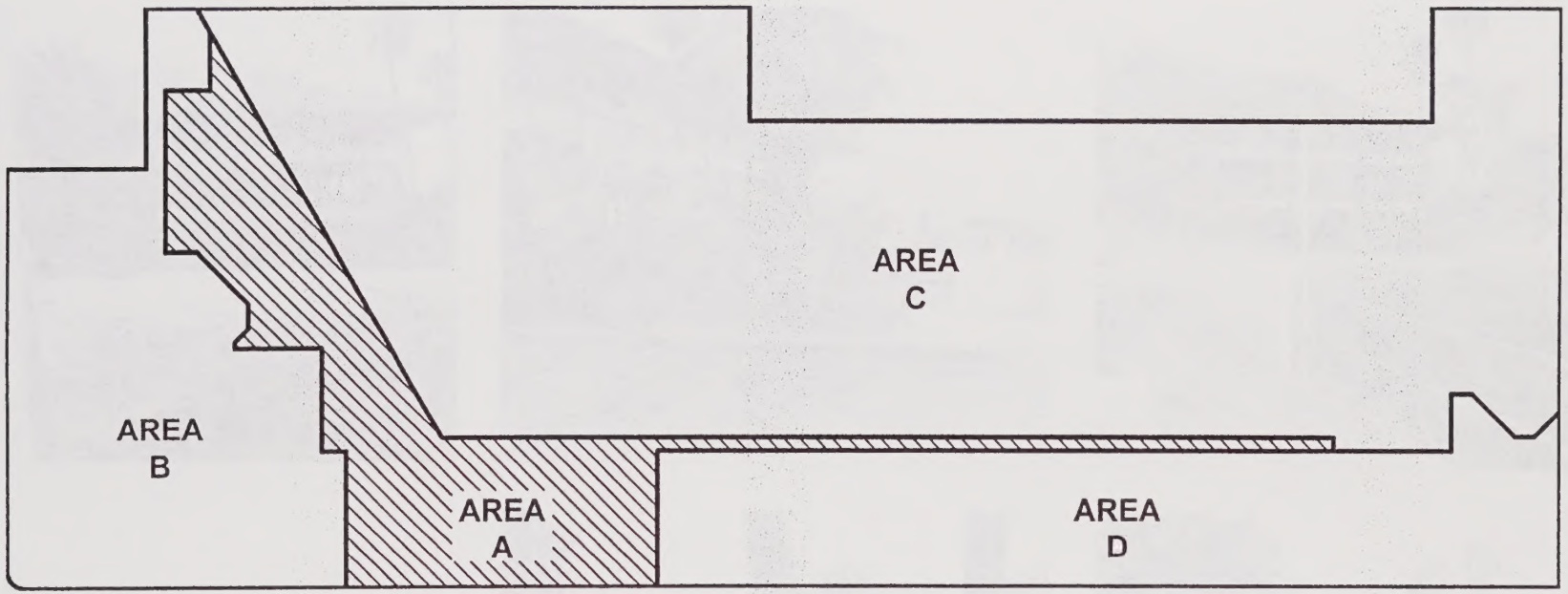


Exhibit 4.8 Map of Planning Area A

AREA A

Planning Area A (1.3 acres) is primarily devoted to the public activities within the Specific Plan area. Facilities include a public beach (0.4 acres), with a ten-foot wide pedestrian promenade, linking the various Planning Areas, and adjacent parking facility. The existing parking lot will be redesigned and the existing driveway on Warner Avenue will be analyzed for possible relocation. The new parking facility will meet the parking requirements in this Specific Plan and HBZSO and continue to include an additional ten (10) spaces designated for public parking for beach access along with required marina parking.

The new parking facility will be designed to provide views into the harbour from Warner Avenue allowing passing pedestrians and vehicles an opportunity to see the marina and waterways beyond. Permitted uses will be limited to active and passive recreation uses, beach activities, including a pedestrian promenade, and marina and public parking. Any building development will be limited to incidental structures and shall be required to provide sufficient setbacks and parking. All development will be designed to preserve existing views to the marina as much as possible.

Exhibit 4.9 Images of Area B

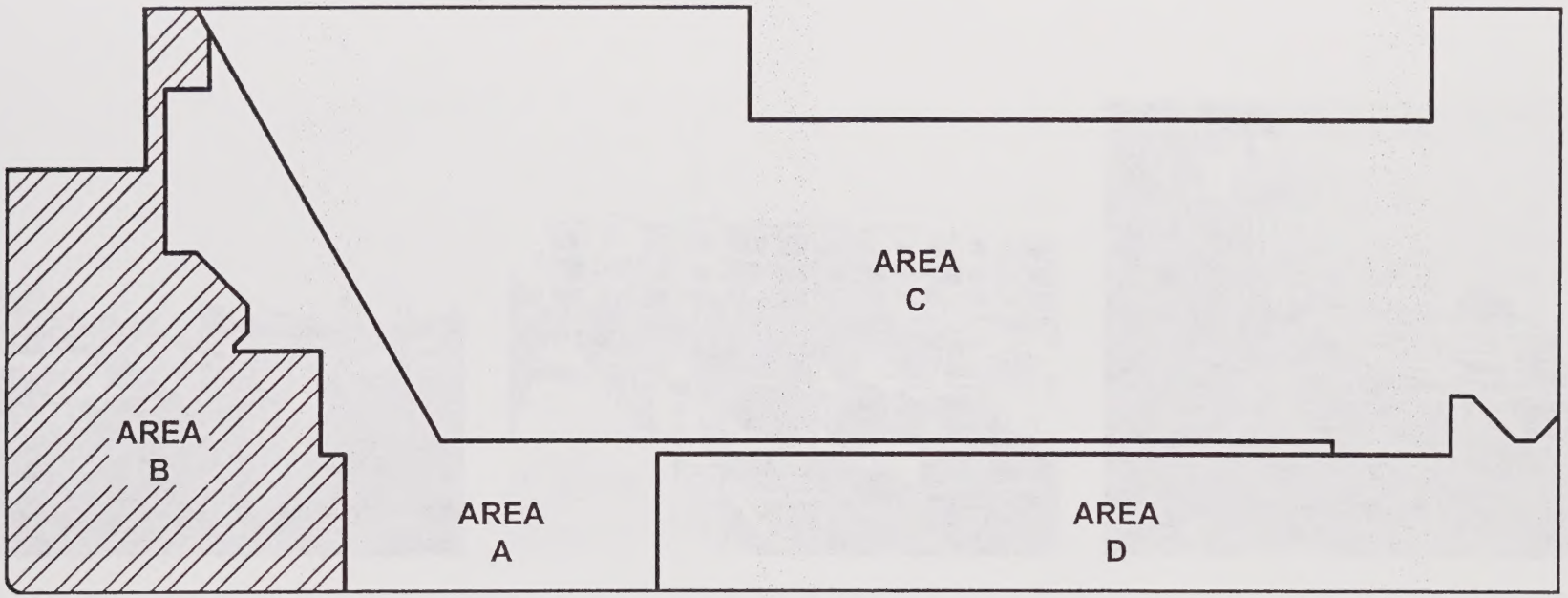


Exhibit 4.10 Map of Planning Area B

AREA B

Planning Area B (1.6 acres) proposes the most dramatic change within the Specific Plan. The area is currently occupied with a 15,000 square foot, two-story banquet facility and large outdoor patio for entertaining. The area also includes the former "Barefoot Bar" (750 sq. ft.) and the remnants of the Racquet Club which featured two tennis courts along with changing facilities (3,200 sq. ft.). Access to this area is directly from Warner Avenue through a circular entrance drive. Adjacent to the banquet facility is a parking lot (67 spaces plus 10 spaces for beach access) which services the facility and adjacent marina.

The Specific Plan designates Planning Area B for low density residential development (maximum 7 dwelling units/acre). Future development will be limited to new single-family homes in a style and quality compatible with the surrounding Huntington Harbour neighborhood. Development would be limited to a maximum of eleven (11) detached residential units. The new homes would be limited to a maximum of thirty (30) feet in height, with building separation to allow for views through the project. A new entrance to the area from Sceptre Lane exclusively for access to the new residential units is anticipated, subject to review and approval by the City. All existing facilities will be removed and no future restaurant or banquet activities will be permitted.

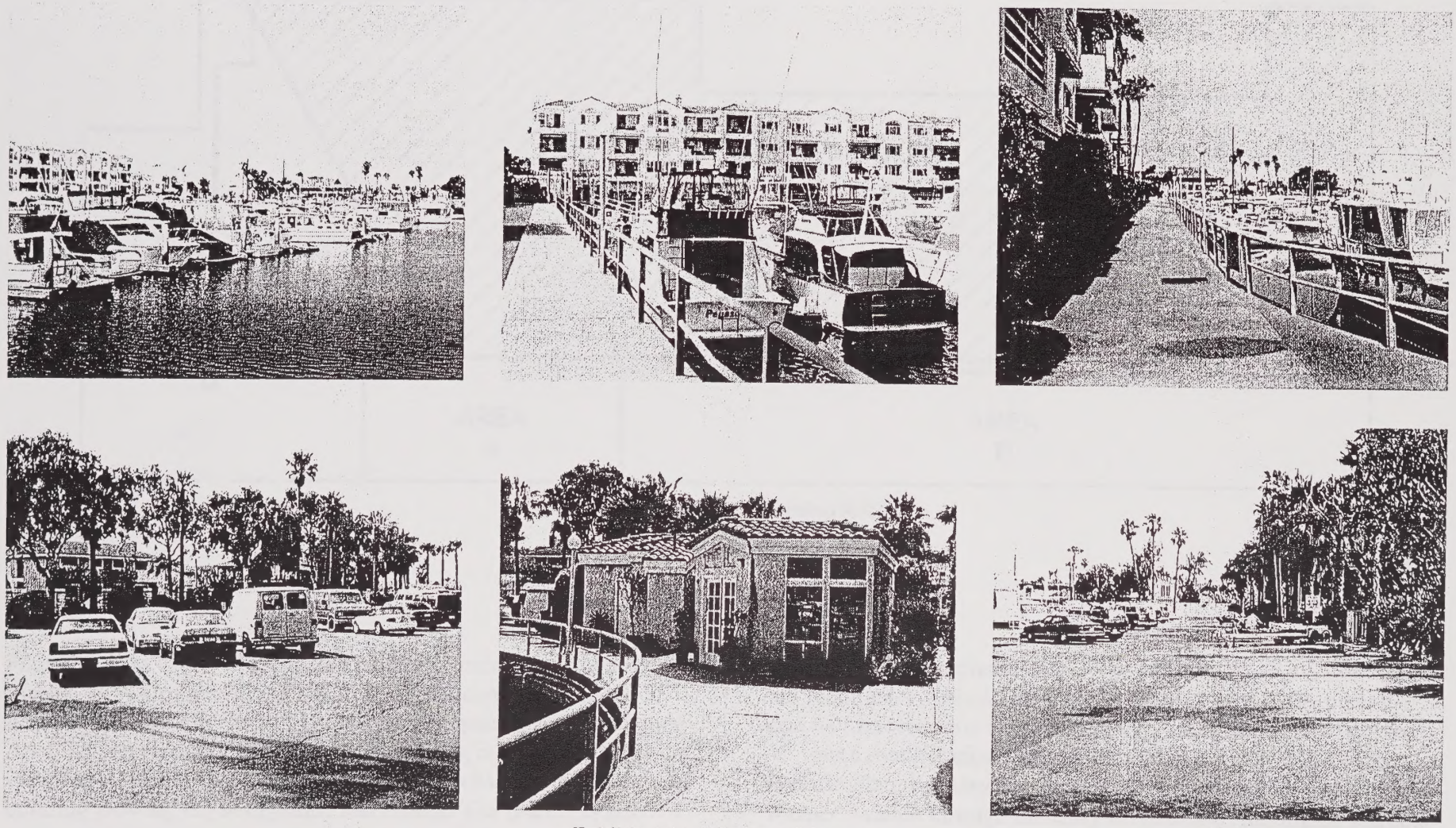


Exhibit 4.11 Images of Area C

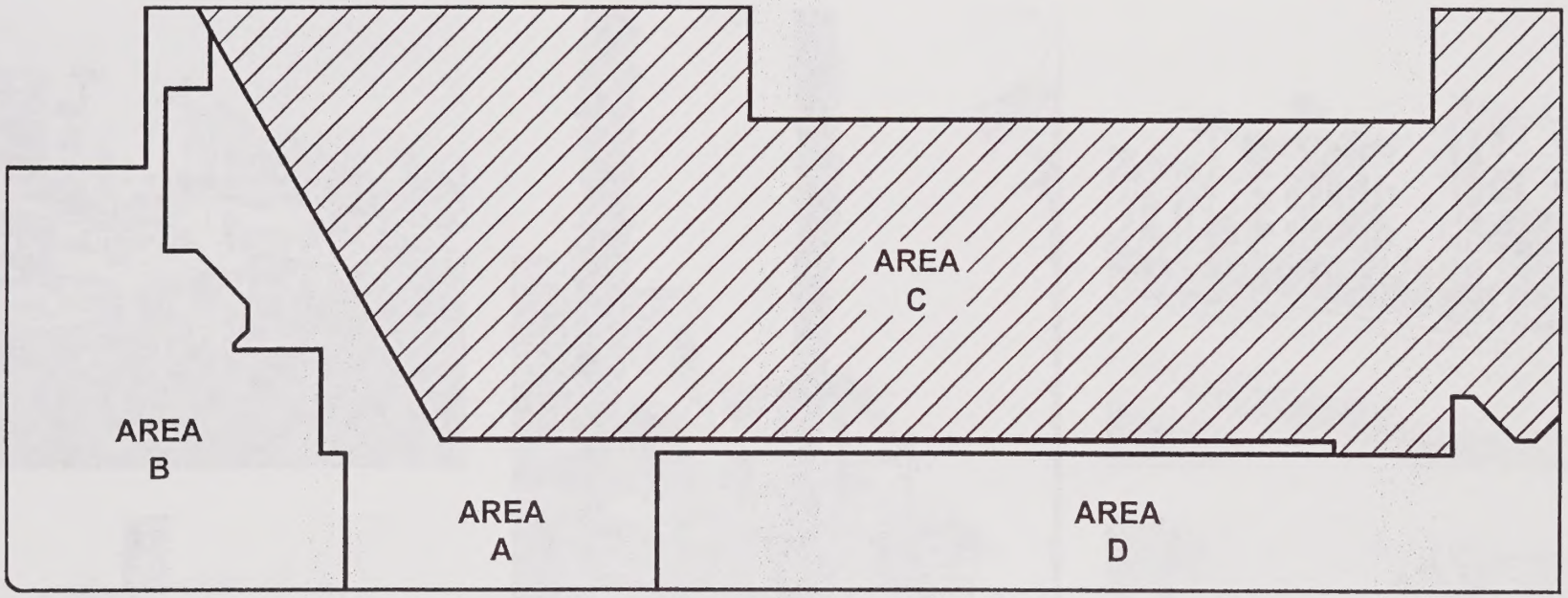
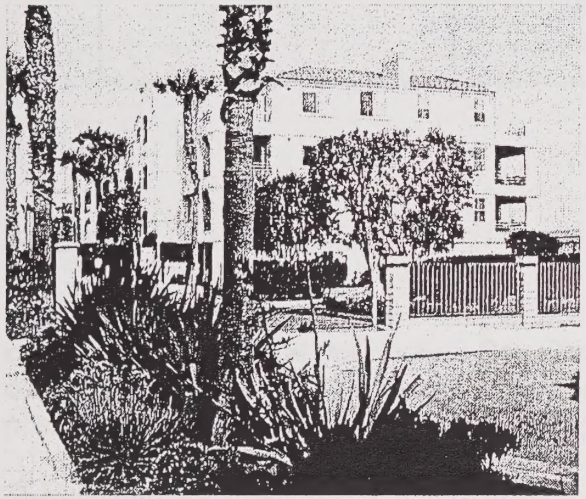


Exhibit 4.12 Map of Planning Area C

AREA C

Planning Area C (6.0 acres) is the current Huntington Harbour Marina and all related activities. The marina consists of 164 recreational boat slips with 61 total parking spaces within Planning Area C. The remainder of the marina parking is located within Planning Area A. The marina also includes a harbour master building (750 sq. ft.) with public rest rooms. The marina is also equipped with a pump-out system to accommodate the total number of boat slips available.

Planning Area C activities are limited to only marina related uses and facilities. Physical improvements proposed for this planning area will be primarily limited to general maintenance and repair. All future modifications will be subject to the provisions of the Specific Plan. Primary access to the Marina facilities will be from Warner Avenue through the entry drive to the Huntington Harbour Bay Club condominium project. Access is also permitted through Planning Area A.



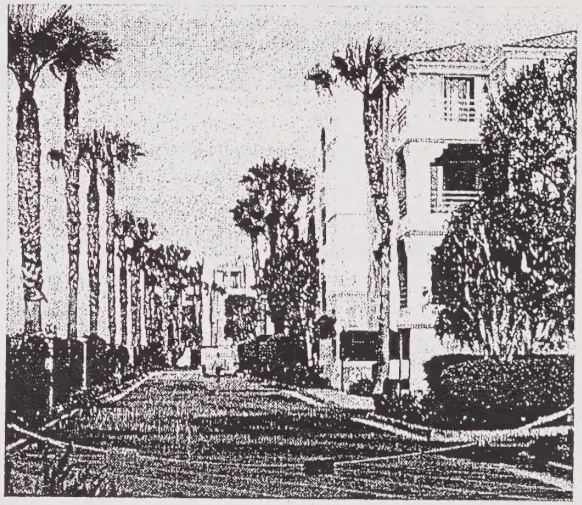


Exhibit 4.13 Images of Area D

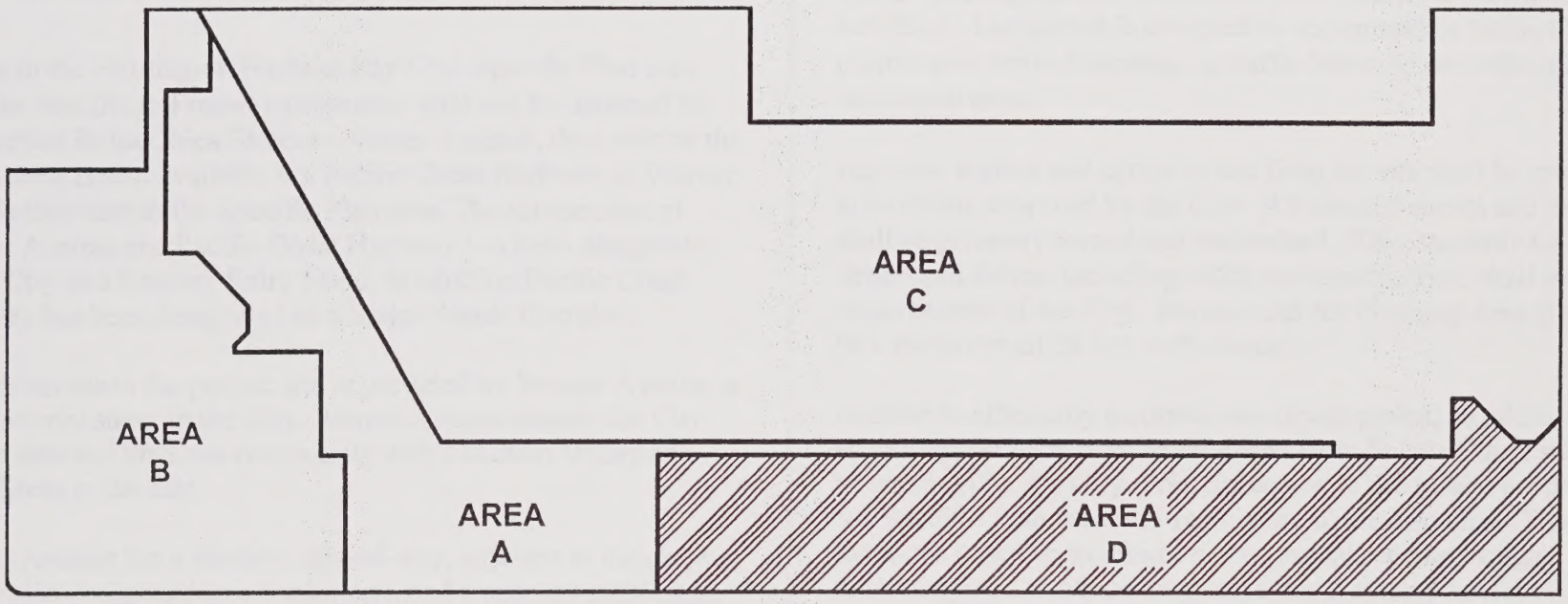


Exhibit 4.14 Map of Planning Area D

AREA D

Planning Area D (1.7 acres) has been parceled to accommodate the existing 36 unit Huntington Harbour Bay Club residential condominium project. The common recreation facilities include a pool, spa and clubhouse facility (2,500 sq. ft.).

The existing improvements in Planning Area D set the design theme and guidelines for the Specific Plan. The enhanced landscaping establishes a Mediterranean theme with palm trees and large bright flowering plants. The landscaped areas are accented with decorative paving materials, enhanced driveway entrance and thematic fountains.

Building design also reflects a contemporary Mediterranean style with two large three-story structures over parking, and a two-story clubhouse facility. The buildings are sited to allow for maximum views to the harbour and marina. Improvements to the area may include general maintenance and repair, subject to the provisions of the Specific Plan.

4.2 ACCESS AND CIRCULATION

Access to the Huntington Harbour Bay Club Specific Plan area from the San Diego Freeway (Interstate 405) can be obtained by southbound Bolsa Chica Street to Warner Avenue, then west to the site. Access is also available via Pacific Coast Highway to Warner Avenue then east to the Specific Plan area. The intersection of Warner Avenue and Pacific Coast Highway has been designated by the City as a Primary Entry Node. In addition Pacific Coast Highway has been designated as a Major Scenic Corridor.

Primary access to the project site is provided by Warner Avenue, a major arterial street in the City. Warner Avenue bisects the City west to east and links the community with Fountain Valley and Costa Mesa to the east.

Warner Avenue has a 90-foot right-of-way, adjacent to the project area, and is designated as a truck route, and a primary path/image corridor and landscape corridor. Warner Avenue also serves as an existing transit route and provides class II bike trail.

Internal circulation is currently provided by a system of private streets serving as access to individual activity areas within the project site. Circulation is further enhanced by a number of entry drives and adjacent public transportation facilities. The other public streets adjacent to the Specific Plan area, Sceptre Lane on the west and Edgewater Lane on the east, primarily service their respective adjacent residential development. Sceptre Lane has access to Warner Avenue and is proposed to serve as access to the residential development proposed in Planning Area B, subject to final approval by the City. Edgewater Lane no longer has access to Warner Avenue or the project area and can only be reached through a network of interior local streets. No vehicular access to the project area is permitted from Edgewater Lane. The circulation system is designed to accommodate a number of different site activities. The system is designed to accommodate traffic to the project area while discouraging traffic intrusion into adjacent residential areas.

Any new ingress and egress to and from the site shall be provided at locations approved by the City. All internal streets and drives shall be privately owned and maintained. The standards for such streets and drives, including width and construction, shall meet the requirements of the City. Street width for Planning Area B shall be a minimum of 28 feet curb-to-curb.

In order to efficiently facilitate new development, an additional access opportunity may be proposed from Sceptre Lane subject to approval by the City. Primary access to the public portions of the Specific Plan area will remain on Warner Avenue. The locations relate to existing driveways and median designs, and are anticipated to adequately serve the projected traffic volumes for the project area. Specific future development proposals may necessitate modifications to these driveway designs.

The Public Works Commission shall determine the need for traffic control devices (i.e. traffic signals) prior to specific entitlement approval. Such determination shall include the appropriate time of installation. The developer shall pay the entire cost of installing traffic control devices. The developer shall provide for the future installation of any such improvements prior to issuance of building permits.

Public Access and Pedestrian Walkway

Consistent with the Coastal Zone Overlay District of the Huntington Beach Zoning and Subdivision Ordinance, pedestrian access to the public areas of the Specific Plan will remain available from both Warner Avenue and Edgewater Lane. In addition, the illustrative Site Plan encourages the preservation and expansion of the pedestrian walkway system.

The property owner shall provide a public walkway and make an irrevocable offer to dedicate a ten (10) foot wide easement for public access along the bulkhead. Such public walkway shall be maintained jointly by the various Homeowners' Associations and the Huntington Harbour Marina, or a public agency upon acceptance of an offer to dedicate. Provisions shall be made to permit construction and/or installation of utilities and/or facilities that serve the public marina within the walkway easement. Provisions shall also be made to permit use of the walkway for activities relating to the public marina, as long as such activities do not interfere with the main purpose of the walkway.

The property owner shall cause to be executed and recorded a document, in a form and content approved by the Director of Planning, irrevocably offering to dedicate an easement for public access and passive recreation along the shoreline and the beach. The easement shall be for the length of the property. Along the bulkhead, it shall be measured from the inland edge of the bulkhead a distance of ten (10) feet and provide a walkway within the easement area. On the beach the easement shall include the entire sandy beach area between the existing development and mean high tide line. The easement shall not be located closer than five (5) feet to an existing structure. The easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Director determines may effect the interest being conveyed. The offer shall run with the land, binding successors and assigns of the landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period to run from the date of recording. The beach shall be maintained by the homeowners' association or the property owner until the offer to dedicate is accepted by a public agency.

Prior to issuance of any permit for development, the property owner shall record a document such as a covenant running with the land agreeing for himself and all successors in interest to maintain and otherwise keep open and free from impediments to pedestrian use the access way along the boardwalk, beach area and parking. The document shall be recorded free of all prior liens or encumbrances except tax liens and shall bind the applicant, his heirs and successors in interest.

No facilities or activities shall be permitted within the easement area which could obstruct public access. As a condition of development, signage shall be provided for all public accessways, recreation facilities and parking. A deed restriction shall be recorded allowing public use of all recreation facilities on-site (excluding private open space area of the residential units). A minimum of ten (10) parking spaces shall be restricted and signed for public beach use. Access dedications, deed restrictions and signing shall be assured and required to open and maintain accessways and facilities for public use concurrent or prior to issuance of certificates of occupancy or permit final of any residential structures.

4.3 PUBLIC FACILITIES

A public facilities analysis of infrastructure requirements and detailed design, construction and phasing will be done concurrent with the project entitlement. Future development within the Specific Plan area will be responsible for the construction of public facilities improvements concurrent with individual project development, subject to review and approval of the Director of Public Works.

Water System

Domestic water for the property will be provided by the Public Works Water Division of the City of Huntington Beach. The Water Division provides water to all of the customers within the City of Huntington Beach.

The Water Division has use of both underground and imported water sources to service the area. The underground supply comes from nine existing wells, and imported water delivered to the City of Huntington Beach by the Metropolitan Water District (MWD) at three locations. The Specific Plan area is part of the City's Master Plan for Water Service. A hydraulic analysis of the City's current water infrastructure system shall be performed to ensure that the proposed ultimate development anticipated will be adequately served by the City's systems. If the analysis shows that project demands cannot be met with the City's current water infrastructure system, the City's system shall be upgraded to meet the demands and/or the impacts of the project shall be mitigated at no cost to the City.

All water improvements will be designed to the City of Huntington Beach water standards for future City acceptance and approval. Locations of fire hydrants and apparatuses will be reviewed for each individual development by the Fire Department and Water Division of the City of Huntington Beach to ensure adequate fire flow and pressure.

Sewer System

The City of Huntington Beach is responsible for the review and approval of the collection of wastewater within the project area, and the Orange County Sanitation District (OCSD) is responsible for the treatment of wastewater. The existing system is comprised of several lines that connect to the City sewer in Warner Avenue.

The City system ultimately is collected by the Sanitation District via their trunk and distribution lines to convey sewage to their plant. Sewer lines within the property will be contained in private roads or in easements that may ultimately be dedicated to the City of Huntington Beach. The sewer system will be designed to City sewer standards for possible future public acceptance and maintenance.

Storm Drainage

The City of Huntington Beach and the Orange County Flood Control District (OCFCD) are the agencies responsible for the flood control system in the project vicinity. The existing storm drain system provides drainage for the site, draining the majority of the site to the south and west, towards Pacific Coast Highway.

Stormwater systems eventually discharge into coastal ocean water. They may also discharge into wetlands or streams. Stormwater discharging from the site shall be of sufficient quality and volume to maintain or enhance the functional capacity of the receiving waters. Where new storm drains are necessary to accommodate the development, they shall be sited and designed to discharge in the least environmentally sensitive location. New storm drain outlets shall not be allowed to discharge into or near costal waters where rocky intertidal or sub-tidal habitat exists or into wetlands.

Storm Drains and/or Catch Basins shall be marked "No dumping-drains to Ocean" or with other appropriate local insignia. These marking shall be maintained for the life of the project.

Water Quality

The City's Coastal Element notes that the City can upgrade water quality by controlling pollutants which enter coastal water through urban run-off. The City's Coastal Element contains the water and marine resource policies which require that measures be implemented to mitigate the adverse impacts of human activities on the marine environment. To protect coastal waters, the following water quality measures shall be implemented in conjunction with any development requiring the construction of storm water drainage systems:

- All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and constructed in compliance with the Orange County Drainage Area Management Plan (OC DAMP), all applicable local ordinances and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 99-08-DWQ), and any subsequent amendments, and the Orange County NPDES Municipal Storm Water Permit issued to Orange County and Cities by the California Regional Water Control Board (Regional Board Order No. R8-2002-0010) and any amendment, revision or re-issuance thereof.

- Prior to issuance of a Coastal Development Permit (CDP) for grading or building, a Water Quality Management Plan (WQMP), shall be submitted and approved based on consistency with the provisions specified herein. New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs), including bio-filtration techniques, which will effectively prevent runoff contamination, and minimize runoff volume leaving the site in the developed condition, to the greatest extent feasible.

4.4 UTILITIES

There are several public utility service providers in the Huntington Harbour Bay Club Specific Plan area. Although adequate facilities exist for the current service needs of the area, additional facilities may be required as additional development occurs.

Electricity

Electrical service to the area is provided by the Southern California Edison Company. Existing transmission and distribution lines are adequate to service current and potential future needs.

Natural Gas

Natural gas service in the Specific Plan area is provided by the Southern California Gas Company. Adequate facilities exist for current and projected future needs. Relocation of existing facilities concurrent with new project development may be required.

Telephone

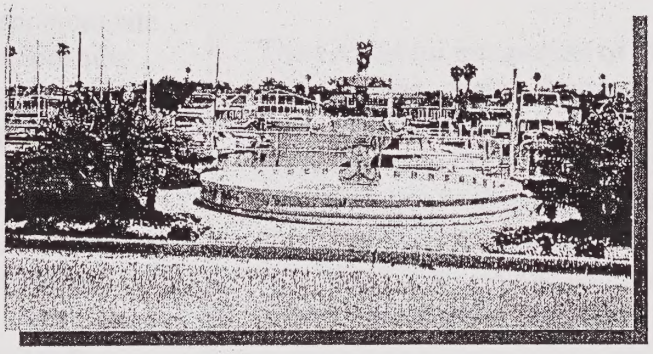
Telephone service in the Specific Plan area is provided by Verizon. Coordination with the service provider for the relocation of existing facilities and installation of new service will be necessary.

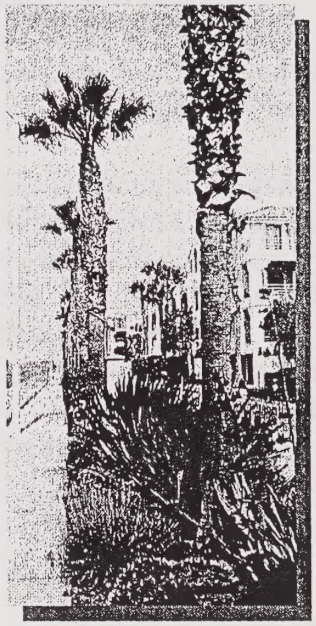
Cable Television

Cable television service within Huntington Beach is provided by Time Warner Communications. Coordination with the cable company for the installation of new service will be necessary.

Solid Waste Disposal

Rainbow Disposal Company currently provides solid waste disposal services for the area. Based on service projections and anticipated demand increase, an adequate level of service will be maintained.





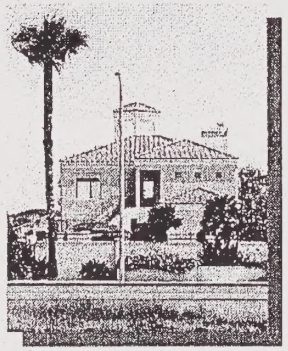


Exhibit 5.1 Images of the Area

5.0 PROJECT AREA CHARACTER

The Design Guidelines establish the character and style for development within the project area. The Guidelines accommodate individual development identities and promote interrelationships between complementary land uses and community features. The major elements of the Design Guidelines include: site planning, architecture, streetscape, and landscaping. All development proposals within the Specific Plan area shall conform to the Citywide Urban Design Guidelines, as well as those outlined in the Specific Plan and shall incorporate appropriate theme elements.

The Design Guidelines are intended to be consistent with the Urban Design element of the General Plan and the City's adopted Design Guidelines. The Design Guidelines are general and may be interpreted with some flexibility in their application to specific projects. Variations may be considered for projects with special design characteristics that still meet the objectives of the Guidelines. The Design Guidelines shall be used to promote a high level of design quality while at the same time provide some flexibility, necessary to encourage creativity on the part of individual project designers.

5.1 SITE PLANNING GUIDELINES

The Specific Plan anticipates a combination of activities, each varying in parcel size, building height, and intensity of development. The Design Guidelines section provides the measure by which basic concepts for coordinated site planning can be realized. Care must be taken in the creation of each parcel in the project area to provide convenient access, and cluster common activities. Effective site planning techniques will establish a strong outline and framework for guiding future individual development projects, and create a unique high quality mixed-use project.

The successful integration of effective site planning techniques, with the basic design elements on individual projects, will enhance the visual experience in the Specific Plan area, and promote a true sense of place. Future development within the project area will be in accordance with many of the established existing design concepts, in order to achieve an overall project area compatibility. Site layout shall respect and preserve the natural and existing site features, including trees, berming, and views to the Harbour.

5.2 ARCHITECTURALGUIDELINES

The Architectural Guidelines are intended to establish a compatible character, style and quality for all development projects within the Huntington Harbour Bay Club Specific Plan. This compatibility of character is not intended to discourage individual innovation and creativity, but to simply provide a framework within which an overall sense of community and place will be reinforced.

The architectural theme shall reflect a contemporary Mediterranean approach. Each project shall be designed and sited with sensitive regard to climate, context, and proper use of materials and form in an honest expression of function as well as aesthetics.

Design Features

Building architecture and general appearance of the proposed development shall enhance the orderly harmonious development of the area and the community as a whole. Architectural features and complementary colors and materials shall be incorporated into the design of all exterior surfaces of the buildings in order to create an aesthetically pleasing project. Attention shall be given to incorporating the design, colors, and materials of signage into the overall design of the entire development in order to achieve conformity. Vehicular access ways shall be designed with landscaping and building variation to eliminate an alley-like appearance.

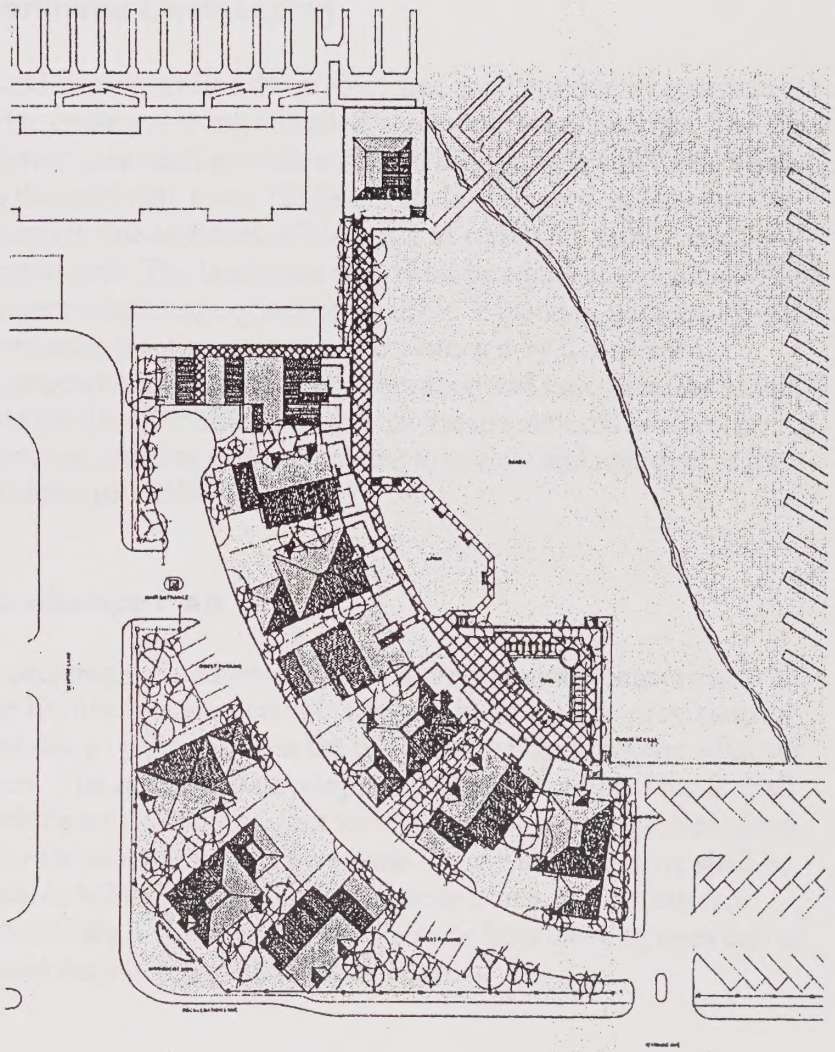


Exhibit 5.2 Bay Club Villas – Illustrative

(Plan has not been reviewed in accord with City standards and these development regulations. Final plan approved may vary significantly.)

5.3 LANDSCAPE GUIDELINES

The Landscape Guidelines for the Huntington Harbour Bay Club are an integral component of the overall project design. The Landscape Concept is composed of several design and implementation elements; strong emphasis is to be placed on the continuation of the existing landscape patterns and preservation and/or relocation of existing landscape materials.

The Landscape Guidelines provide uniformity to the site and establish a "Sense of Place" with both functional and aesthetic considerations. The Guideline proposes a continuation of the landscape and streetscape patterns currently surrounding the existing facilities. These elements include intensified perimeter landscaping, large greenbelt areas, and pedestrian walkways which unify the project area. The landscape treatment for buildings and common open space should be designed with an internally consistent pattern and enhance the overall design character.

Landscape Design

Plant materials shall be selected to create an informal pattern of landscaping to reinforce the character of the existing tree plantings. A more formal pattern of landscaping shall be created on-site at the project entries. Trees shall be selected based upon the size of the planting area, to allow for mature growth without causing future damage to the improvements.

Perimeter Landscaping

Landscaping around the project area shall provide a consistent edge treatment using a limited variety of plant materials. The right-of-way area shall provide an eight (8) foot wide sidewalk, adjacent to the curb with a two (2) foot wide landscape strip between the property line and back of sidewalk to soften the public side appearance. The landscape strip shall be adjacent to the individual project's landscaping and compatible to blend in with the on-site perimeter-planting palette and maintained by the adjacent Homeowners Association. Preservation and enhancement of views into the Harbour should dictate landscape material placement. All parkway planting shall be subject to review and approval of the Director of Public Works.

Landscape Plan

A preliminary landscape plan shall be submitted concurrent with the Entitlement application. The plan shall include provisions to provide a buffer between the internal developments and adjacent uses. The residential development within Planning Area B shall include a minimum 15-foot wide perimeter landscape area along Warner Avenue and Sceptre Lane. Any wall or fencing shall be located behind this perimeter landscape area. A professional arborist shall be consulted to determine how existing trees can be saved during design and construction.

6.0 PURPOSE

The purpose of this section is to provide specific development regulations and standards that will be applied to individual development projects in each Planning Area of the Specific Plan. Upon adoption by the City of Huntington Beach and the Coastal Commission, the Specific Plan will be the zoning document for the project area.

6.1 GENERAL PROVISIONS

The provisions contained herein shall govern the design and development of the Huntington Harbour Bay Club Specific Plan area. Standards and/or criteria for development and activities not specifically addressed in this Specific Plan may require referral to the current provisions of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code.

Whenever an activity has not been specifically listed as being permitted in a particular Planning Area of the Specific Plan, it shall be the duty of the Planning Director to determine if it is consistent with the intent of this Specific Plan and compatible with other permitted uses. In the case of any conflicting provisions, the regulation and policies of the Specific Plan shall prevail. In addition, all projects must comply with the following policies and requirements.

Policies and Requirements

- **Grading.** All grading shall be approved by both the Planning Director and Director of Public Works.
- **Construction.** All construction shall comply with the provisions of the current Uniform Building Code and as subsequently amended and the applicable sections of the Huntington Beach Municipal Code.
- **Noise.** Prior to the issuance of building permits for residential development, a noise study conducted by an acoustical engineer to determine existing ambient noise levels of Warner Avenue, shall be submitted to the Planning Department for review and approval. Structural designs for proposed residential units shall be reviewed, and design modifications recommended in the noise study shall be incorporated into the project design.
- **Reciprocal Parking.** In order to provide for efficient use of the parking facilities within various Planning Areas, and to permit flexibility in site layout and design, the required parking for one area may be satisfied within another area, provided a reciprocal parking agreement between each area is executed, and the total number of required parking spaces is provided.
- **Affordable Housing.** In order to address the City's goal of providing adequate housing for all economic segments of the community, all developments of residential projects within the Specific Plan Area will be required to submit an affordable housing plan consistent with City requirements.

6.2 DEFINITIONS

For the purposes of the Specific Plan, words, phrases and terms shall have the meanings as defined below. Terms not specifically defined in the Specific Plan shall have the same definition as used in the City of Huntington Beach Zoning and Subdivision Ordinance.

When not inconsistent with the context, words used in the present tense include the future tense; words used in a singular number include the plural number; and words of the masculine gender include the feminine and neuter gender. The word "shall" is always mandatory and the word "may" is permissive.

Accessory Building
A detached building on the same lot as a main building or activity, the use of which is incidental to that of the main activity.

Architectural Projections or Appurtenances
Features on buildings which provide visual variation and/or relief but do not serve as interior or exterior living or working space.

Building Height
Building height is the vertical distance above the sidewalk adjacent to the bulkhead measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of a pitched or hipped roof.

Bulkhead Line
Bulkhead line is the line or point where the outer portion of the bulkhead meets the water.

Deviations
An adjustment in one or more Development Regulations in order to accommodate special circumstances and/or unique architectural features. Deviations shall be limited to ten (10) percent of any single development regulation.

Entryway
The point of ingress and egress from a public or private street to the individual project.

Line of Site
A visual path emanating from an average eye level adjudged to be five (5) feet above ground level.

Lot
Any numbered or lettered parcel shown on a recorded final map, a record of survey pursuant to an approved division of land, or a parcel map and abutting upon at least one street, alley or recorded access easement.

Lot Frontage
The linear length of a lot measured along the property line adjacent to a street or easement.

Lot Line
Any line bounding a lot. "Property line" means the same as "lot line."

Modification (Minor)
An amendment to the exhibits and/or text which is intended to clarify and not change the meaning or intent of the Specific Plan.

Modification (Major)
An amendment to the exhibits and/or text which is intended to change the meaning or intent of the Specific Plan. Major modifications require a Zoning Text Amendment and action by the Planning Commission, City Council, and Coastal Commission.

Open Space
Any part of a lot or parcel unobstructed from the ground upward, excepting architectural features extending no more than thirty (30) inches from the structure. Driveways and parking areas shall not be considered open space.

Pierhead Line
The line between the bulkhead and the waterway which separates the area open for navigation from the area extending outward from the bulkhead in which only the mooring and docking of vessels is permitted. The pierhead line identified within Lot "B" of Tract 11881 shall be the established location.

Setback Line
The line which defines the width or depth of the required yard. Such line shall be parallel to the property line and removed therefrom by the perpendicular distance described as the setback.

Site Coverage
The building area of all structures on a site, as measured from all exterior building surfaces. Architectural features such as bay windows, eaves and canopies that do not project more than thirty (30) inches, and decks that do not exceed forty-two (42) inches in height are excluded.

Specific Plan
Specific Plan shall mean the Huntington Harbour Bay Club Specific Plan as adopted by the City Council of the City of Huntington Beach and the Coastal Commission.

Street
A public or approved private thoroughfare or road easement which affords the principal means of access to abutting property.

Structure
Any building or portion thereof, wall fence, etc., extending forty-two (42) inches in height above the grade.

Use
The purpose for which land or building is arranged, designed, or intended, or for which it is occupied or maintained.

Yard
An open, unoccupied space on a lot on which a building is situated and, except where provided in the ordinance code, is completely unobstructed from the ground to the sky.

Zone
A district as defined in the state Conservation and Planning Act, shown on the official zoning maps and to which uniform regulations apply.

6.3 DEVELOPMENT STANDARDS

The Development Standards shall serve as the mechanism for the implementation of the Huntington Harbour Bay Club Specific Plan. The standards set forth in this section will assure that future development within the project is implemented in a manner consistent with the intent of the Specific Plan. The standards contained herein provide flexible mechanisms to anticipate future needs and achieve compatibility between land uses and the surrounding community. Standards and guidelines are designed to be compatible with the existing land use categories of the City. The primary land uses in the Specific Plan shall be commercial, residential and recreational open space. Development Standards shall be established for each Planning Area in order to accommodate the existing and proposed uses. The Development Standards listed are intended to be consistent with the initial Specific Plan with respect to existing developments and activities; although any modifications proposed for those uses shall be subject to the provisions of the amended Specific Plan.

Permitted Uses

Permitted uses shall be established in each Planning Area and shall be required to meet all applicable provisions of the Specific Plan.

- **Planning Area A.** Recreation and open space uses will be limited to beach related activities, a public pedestrian promenade, public parking, marina parking, and incidental structures.

- **Planning Area B.** Residential uses will be limited to a maximum of eleven (11) single family type detached condominium units with related recreational facilities. The restaurant, banquet facilities and racquet club will not be permitted following the entitlement of a residential project. The former "Barefoot Bar" shall not be developed as a residential unit but shall be maintained as an amenity only.

- **Planning Area C.** Commercial marina uses will be permitted along with a public pedestrian promenade, public parking and related facilities.

  The marina will be permitted to provide pump-out facilities. A pump-out system shall be installed to accommodate the total number of boat slips that can be docked within the public marina; the type of adequacy of such facilities shall be approved by the Department of Public Works.

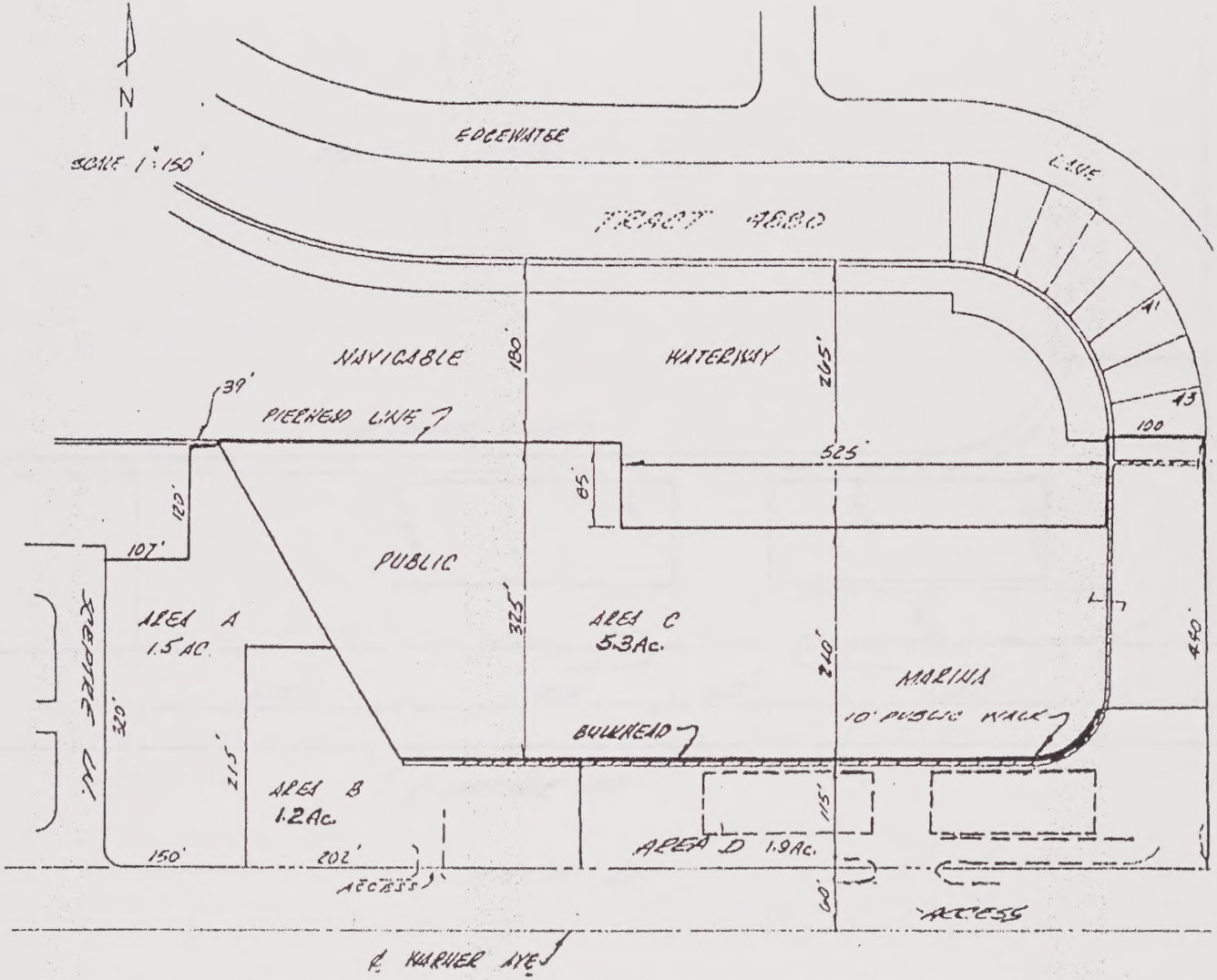
  Living aboard boats docked or moored at the public marina shall be prohibited. To assure compliance with this requirement, the owner or operator of the public marina shall provide a clause within each lease agreement prohibiting living aboard any boat, docked or moored, at the public marina.

- **Planning Area D.** Residential uses will be limited to a maximum of forty-two (42) attached condominium units and related recreational facilities.

DEVELOPMENT STANDARDS	PLANNING AREA			
	A (Public)	B (Residential)	C (Marina)	D (Residential)
Minimum Lot Size	N/A	3,100 sq. ft. (3,400 sq. ft. avg.)	N/A	N/A
Minimum Lot Frontage	N/A	40 ft. (30 ft. cul-de-sac and knuckle)	N/A	N/A
Maximum Number of Units	N/A	11 du	N/A	42 du
Maximum Building Height	15 ft.	Dwelling - 30 ft. ; max. 2 stories except 3rd level permitted <500 sq. ft.; min. 5/12 roof pitch; no decks above the second story Accessory Structure – 15 ft.	15 ft.	45 ft. (3 stories)
Maximum Site Coverage	15%	50% + 5% for covered porches, patio covers, balconies	15%	Shall Conform to the established building envelope in the 1983 Specific Plan (see Exhibits 6.2 & 6.3)
Maximum Floor Area Ratio	N/A	0.7	N/A	
Minimum Building Separation	N/A	6 ft.	N/A	
Setback				
Front	25 ft. from any exterior property line; 5 ft. from any interior property line	Dwelling – 15 ft. + offsets in front facade Covered Porches (unenclosed) – 10 ft. Garage – 18 ft. Upper Story – Upper story setback shall be varied	25 ft. from any exterior property line; 5 ft. from any interior property line	
Rear		Dwelling – 15 ft.; 50% of building width may be at 13 ft. Garage – 3 ft.; 0 ft. if garage is designed to back to another garage		
Interior Side		8 ft. aggregate, min. 3 ft. 0 ft. permitted with min. 8 ft. on other side		

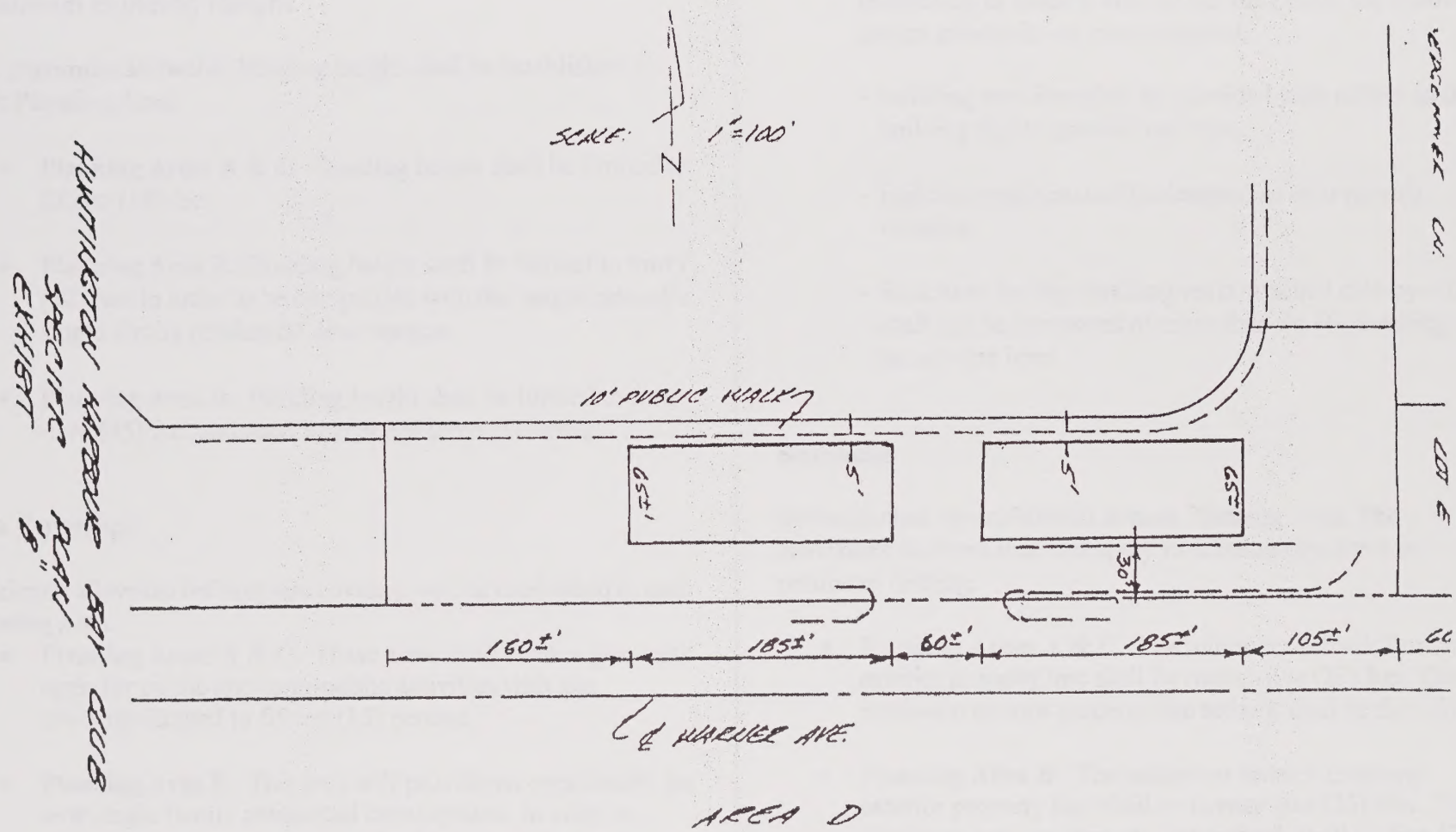
Exterior Side		10 ft.; includes min. 4 ft. landscape lettered lot (6 ft. between building and property line)		
Other Standards Applicable to Planning Area B	Streets – The city shall review proposed street sections upon submittal of the tentative map and conditional use permit applications. Min. 28 ft. curb-to-curb may be permitted provided all units in the development are equipped with automatic sprinkler systems. Sidewalks/Parkways – Sidewalks shall be provided on both sides of the street. Min. 6 ft. landscape parkways may be provided on both sides of the street. Sidewalk widths shall be designed to Public Works Standards. Walls and Fences – Block walls required; may allow wrought iron element where appropriate Landscaping – Tree wells adjacent to landscape parkways on the street side of curb is encouraged, however shall not encroach into the min. 24 foot wide drive aisle. A 15 foot wide perimeter landscape area along Warner Ave. and Sceptre Ln. shall be provided. Also, see Chapter 232 (Landscaping) of the HBZSO. Design Standards – The design standards outlined in the Small Lot Development Standards section of the HBZSO shall be considered prior to development approval.			

Exhibit 6.1 Development Standards Chart



NOTE: DIMENSIONS OF SUBAREAS, BUILDING ENVELOPE & ACCESS POINTS ARE APPROXIMATE AND WILL BE FINALIZED UPON SITE PLAN AND/OR FINAL MAP APPROVAL. BUILDING ENVELOPE DOES NOT APPLY TO SETBACK OF THE SEMI-SUBTERRANEAN PARKING STRUCTURE.

Exhibit 6.2 1983 Specific Plan – "Exhibit A"



NOTE: DIMENSIONS FOR BUILDING ENVELOPES AND ACCESS POINTS ARE APPROXIMATE AND WILL BE FINALIZED UPON SITE PLAN APPROVAL. BUILDING ENVELOPE DOES NOT APPLY TO SET BACKS OF THE SEMI-SUBTERRANEAN PARKING STRUCTURE.

Exhibit 6.3 1983 Specific Plan – "Exhibit B"

Maximum Building Height

The maximum allowable building height shall be established in each Planning Area.

- **Planning Areas A & C.** Building height shall be limited to fifteen (15) feet.
- **Planning Area B.** Building height shall be limited to thirty (30) feet in order to be compatible with the neighborhood's single family residential development.
- **Planning Area D.** Building height shall be limited to forty -five (45) feet and shall not exceed three (3) stories.

Site Coverage

Maximum allowable building site coverage will be established in each Planning Area.

- **Planning Areas A & C.** These areas shall remain primarily open for public and semi-public activities with site coverage limited to fifteen (15) percent.
- **Planning Area B.** This area will provide an opportunity for new single family residential development. In order to allow for development consistent with the neighborhood, site coverage shall conform to Exhibit 6.1.
- **Planning Area D.** No buildings shall be constructed outside the building envelopes established in the initial Specific Plan along with project entitlement and reflected in the Master Plan illustrative.

In addition in order to control building bulk, the following design standards are recommended:

- Building exteriors shall be provided with offsets in the building line to provide variation.
- Building rooflines shall be designed so as to provide variation.
- Structures having dwelling units attached side-by-side shall not be composed of more than six (6) dwelling units on any one level.

Setbacks

Setbacks shall be established in each Planning Area. The provisions outlined shall not apply to existing structures or perimeter fencing.

- **Planning Areas A & C.** The minimum setback from any exterior property line shall be twenty-five (25) feet. The minimum interior property line setback shall be five (5) feet.
- **Planning Area B.** The minimum setback from any exterior property line shall be twenty-five (25) feet. The minimum interior property line setback shall be five (5) feet unless otherwise specified.
- **Planning Area D.** All building setbacks shall conform to the setbacks of the established building envelope.

Parking

All developments will be required to meet the minimum on-site parking standards of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the following shall apply:

- Existing uses shall be deemed in compliance with parking standards of the Specific Plan. Any alterations or expansion of those activities may require additional parking. The parking required for existing uses and activities shall be as follows:

- **Planning Areas A & C**
  - A minimum of ten (10) public parking spaces shall be maintained for beach access.
  - Marina parking shall be provided at (.75) spaces per boat slip.
  - Vehicular access from the parking lot to Edgewater Lane shall be prohibited. To assure compliance with this requirement, vehicular access rights to Edgewater Lane shall be dedicated to the City of Huntington Beach.

- **Planning Area B**
  - Small lot developments shall provide parking consistent with single family residential developments specified in Chapter 231 of the HBZSO. In addition, minimum 1 on-street space per unit for guest/visitor parking shall be provided.
  - A parking plan depicting the location of all parking spaces shall be submitted with the conditional use permit application.
  - Garages shall have a minimum interior size of 400 sq. ft., minimum 18 ft. wide and 19 ft. deep

- **Planning Area D**
  Parking for units within area D shall be provided at the following ratio:
  - Efficiency and one (1) bedroom units shall be provided with two (2) on-site parking spaces.
  - Dwelling units with two (2) or more bedrooms shall be provided with two and one-half (2.5) on-site parking spaces.
  - At least one (1) parking space per unit shall be covered, the remaining spaces may be open.
  - All parking spaces required by this section shall be distributed at convenient locations to serve both residents and guests.
  - All required covered parking shall be located within two hundred (200) feet of the dwelling unit it is designed to serve.
  - Any allocation for compact car parking spaces shall be determined through the Conditional Use Permit process. The access, dimensions, landscape provisions and turning radii for all parking shall conform to the City's adopted codes.
  - Where the proposed development is to be constructed with other than an attached garage for each dwelling unit, a minimum of one hundred (100) cubic feet of storage space shall be provided for each dwelling unit.

Open Space

All areas that are not within the building envelopes and are not paved for access or parking, shall be landscaped and maintained as permanent open space.

- All setback and parking lot areas fronting on, or visible from, adjacent public streets shall be landscaped and permanently maintained in an attractive manner.
- Residential developments shall comply with the following open space provisions:
  - Common open space areas shall be designed and located for a maximum use by all residents of the project. Such areas shall be fully improved. Improvements may include paved surfaces, landscaped areas, water features, and recreational facilities, not to include fully enclosed structures.
  - Active recreation areas shall not be located within ten (10) feet of any ground floor dwelling unit wall having a door or window.
  - At least one (1) main recreational area shall be provided, and two (2) or more of the following recreational activities shall be provided within the main recreational area: swimming pool, spa, sauna, tennis court, basketball court, putting green, playground equipment, volleyball court, lawn bowling, outdoor cooking facility, or similar facilities.
  - Planning Area B – Open space required:
    Min. 600 sq. ft. private and/or common per unit. Private open space excludes side and front yard setback areas. Common open space requires min. 10 ft. dimension
  - Planning Area D - Private open space areas, in the form of patios or balconies shall be provided for each unit. Such areas shall be located adjacent to the unit they are intended to serve. The minimum size of such patios or balconies shall meet the following standards:

Patios Unit Type	Minimum Area (Sq. Ft.)	Minimum Dimension (Ft.)
Efficiency / one bedroom	120	10
Two bedrooms	200	10
Three or more bedrooms	300	10

Note: This area may be divided into two (2) separate areas; however, neither area shall contain less than sixty (60) square feet.

Balconies Unit Type	Minimum Area (Sq. Ft.)	Minimum Dimension (Ft.)
Efficiency / one bedroom	60	6
Two or more bedrooms	120	6

Note: Two story units which are provided with a patio at the lower level are permitted a ten percent (10%) reduction in the patio area requirement if a balcony having a minimum area of sixty (60) square feet is provided. Balconies which serve as entrances or exits shall not satisfy this requirement except where entrances of exits are for the sole use of a particular unit.

- Common open space areas shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the development. All lands to be conveyed to the Homeowner's Association shall be subject to the right of the grantee or grantees to enforce maintenance and improvements of the common space.

Signs

All signs in the project area shall conform to the provisions of the City's Zoning and Subdivision Ordinance and shall be consistent with the guidelines of the Specific plan.

Lighting

All illumination of streets, parking areas, and pedestrian walkways, shall be coordinated to provide a consistent illumination intensity. Emphasis shall be placed on areas of high vehicular and pedestrian activity. Light fixtures and standards shall be consistent with building architectural style. Such lighting shall be energy efficient and directed away from adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.

Fencing

Walls and fences are encouraged as means of providing security and screening. Unless noted otherwise, walls constructed of masonry or concrete materials shall be limited in height and/or location to permit views through to the harbour and be complimentary to building architecture. Unless noted otherwise, fencing shall be primarily see-through ornamental iron; chain-link fencing shall not be used.

Trash Collection Areas

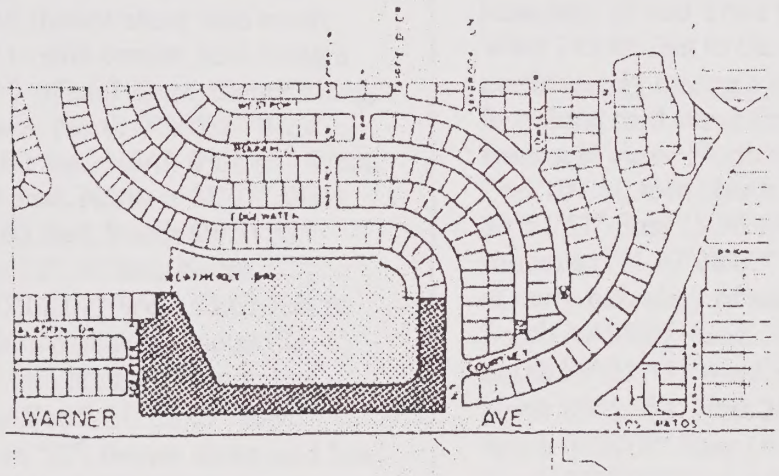
Trash collection areas shall be provided within two hundred (200) feet of the units they are to serve. Such areas shall be enclosed or screened, and shall be situated in order to minimize noise and visual intrusion on adjacent property as well as to eliminate fire hazards to adjacent structures. Individual trash collection shall be permitted where the intent of this section is met.

Vehicular Storage

Outside uncovered and unenclosed areas for storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited, unless specifically designated areas for the exclusive storage of such vehicles are set aside on the final development plan and provided for in the Association's covenants, conditions, and restrictions. Where such areas are provided, they shall be screened from view on a horizontal plane from adjacent areas by a combination of six (6) foot high masonry wall or permanently maintained landscaping.

II. SPECIFIC PLAN BOUNDARIES - The Huntington Harbour Bay Club Specific Plan encompasses that area delineated on the map in subsection (a) hereof and described in subsection (b) hereof.

(a) Area Map



(b) LEGAL DESCRIPTION – The Huntington Harbour Bay Club Specific Plan includes the real property described as follows:

Area A

Being Lots "D", "E" and "F" and a portion Lot 6 of Tract No. 11881 in the City of Huntington Beach, County of Orange, State of California as shown on a map filed in Book 592, Pages 20 through 23 of Miscellaneous Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the southeast corner of Lot 2 of said Tract; thence along the south boundary line thereof South 89°51'53" West 933.75 feet to the True Point of Beginning; thence leaving said boundary North 0°08'07" West 105.00 feet to the southerly line of Lot "E" of said Tract, said point lying North 89°51'53" East 18.65 feet from the southwest corner thereof; thence along said south line South 89°51'53" West 18.65 feet to said corner, also being a point on the easterly boundary of Lot 7 of said Tract; thence along said boundary the following ten courses: North 0°08'07" West 78.00 feet, South 89°51'53" West 66.00 feet, North 0°08'07" West 5.00 feet, North 44°51'53" East 14.14 feet, North 0°08'07" West 19.65 feet, North 45°08'07" West 55.65 feet, South 89°51'53" West 24.00 feet, North 0°08'07" West 122.00 feet, North 89°51'53" East 34.00 feet and North 0°08'07" West 43.61 feet to the southeasterly terminus of a line shown on said map as "N 30°08'07" W 20.08'"; thence leaving said boundary along the southeasterly prolongation of said line South 30°08'07" East 355.20 feet to the north line of said Lot "E"; thence along said line and the northerly line of said Lot "D" North 89°51'53" East 685.15 feet to the northeast corner of said Lot "D"; thence along the east boundary thereof South 0°08'07" East 10.00 feet to the southeast corner thereof; thence along the south line of said Lot South 89°51'53" West 520.00 feet to the northeast corner of said Lot 6; thence along the east line thereof South 0°08'07" East 105.00 feet to the southeast corner of said Lot; thence along the south line thereof South 89°51'53" West 238.75 feet to the True Point of Beginning.

Area B

Being Lot 7 and a portion of Lot 6 of Tract No. 11881 in the City of Huntington Beach, County of Orange, State of California as shown on a map filed in Book 592, Pages 20 through 23 of Miscellaneous Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the southeast corner of Lot 2 of said Tract; thence along the south boundary of said Tract South 89°51'53" West 933.75 feet to the True Point of Beginning; thence along the boundary of said Tract the following six courses: South 89°51'53" West 245.00 feet to the beginning of a tangent curve concave northeasterly having a radius of 15.00 feet, northwesterly 23.56 feet along said curve through a central angle of 90°00'00", tangent from said curve North 0°08'07" West 305.00 feet, North 89°51'53" East 107.00 feet, North 0°08'07" West 120.00 feet and North 89°51'53" East 38.96 feet to the northwesterly terminus of a line shown as "N 30°08'07" W 20.08'" on said Tract; thence along the easterly boundary of said Lot 7 the following eleven courses: South 30°08'07" East 20.08 feet, South 0°08'07" East 43.61 feet, South 89°51'53" West 34.00 feet, South 0°08'07" East 122.00 feet, North 89°51'53" East 24.00 feet, South 45°08'07" East 55.65 feet, South 0°08'07" East 19.65 feet, South 44°51'53" West 14.14 feet, South 0°08'07" East 5.00 feet, North 89°51'53" East 66.00 feet and South 0°08'07" East 78.00 feet to the southwest corner of Lot "E" of said Tract; thence along the south line thereof North 89°51'53" East 18.65 feet; thence leaving said line South 0°08'07" East 105.00 feet to the True Point of Beginning.

Area C

Being Lots "1" and "C" and a portion of Lot "B" of Tract No. 11881 in the City of Huntington Beach, County of Orange, State of California as shown on a map filed in Book 592, Pages 20 through 23 of Miscellaneous Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the southeast corner of Lot 2 of said Tract; thence along the east boundary of said Tract North 00°08'07" West 135.83 feet to the True Point of Beginning, also being an angle point in the south boundary of Lot 1 of said Tract; thence along said boundary the following six courses: South 44°51'53" West 28.05 feet, South 89°51'53" West 15.00 feet, North 45°08'07" West 46.78 feet, South 89°51'53" West 16.09 feet, South 0°08'07" East 44.08 feet and South 89°51'53" West 91.00 feet to the southeast corner of Lot "D" of said Tract; thence North 0°08'07" West 10.00 feet to the northeast corner thereof also being a point on the south boundary of Lot B of said Tract; thence along said boundary South 89°51'53" West 685.15 feet to an intersection with the southeasterly prolongation of a line shown on said map as "N 30°08'07" W 20.08'" on the easterly boundary of Lot 7 of said Tract; thence along said southeasterly prolongation and said easterly boundary of said Lot 7 North 30°08'07" West 375.28 feet to the northwesterly terminus of a line shown as "N 30°08'07" W 20.08'" on said Tract; thence North 89°50'12" East 187.65 feet to an angle point in the northerly boundary of Lot "B" of said Tract; thence along said boundary the following three courses: North 89°52'05" East 235.15 feet, South 0°07'55" East 85.00 feet and North 89°52'05" East 525.00 feet to the northeast corner of said Lot "B" also being a point on the westerly boundary of said Lot "C"; thence along said boundary and the westerly boundary of said Lot 1 North 0°08'07" West 84.90 feet to the northwest corner of said Lot 1; thence along the northerly boundary thereof North 89°51'53" East 100.00 feet to the northeast corner of said Lot 1; thence along the easterly boundary of said Lot 1 South 0°08'07" East 304.11 feet to the True Point of Beginning.

Area D

Being Lots 2, 3, 4 and 5 of Tract No. 11881 in the City of Huntington Beach, County of Orange, State of California as shown on a map filed in Book 592, Pages 20 through 23 of Miscellaneous Maps in the office of the County Recorder of said County.

Mitigation Measures

1. Geology/Soils - With submittal of entitlement applications for the residential development the applicant shall submit a geologic report prepared by a geologist registered in the State of California which is directed to the problem of potential surface fault displacement through the project site. This report shall be based on geologic investigation designed to identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project site in the future.

The completed report, including recommendations for the acceleration to be used for designing the structures on the site, or a statement that the adopted Uniform Building Code is adequate for the seismic design of the structures on the site, shall be submitted to the Public Works Department. The Public Works Department will obtain an independent analysis of the completed geologic report. The applicant shall pay the cost of this analysis. When the report has been amended to the satisfaction of the Public Works Department, the City will file the report with the State Geologist.

Construction drawings along with calculations and approved geologic report shall be submitted to the Department of Building and Safety to complete the building plan review.

2. Transportation/Traffic - With submittal of entitlement applications for the residential development the applicant shall submit a signal warrant and access study to address the need for a traffic signal or other access modifications near the project site to facilitate eastbound turns into Warner.

Ord. No. 3634

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **regular** meeting thereof held on the **5th day of April, 2004,** and was again read to said City Council at an **regular** meeting thereof held on the **21st day of June, 2004**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council. The ordinance shall take effect immediately upon certification by the California Coastal Commission.

AYES: Sullivan, Coerper, Hardy, Green, Houchen

NOES: Boardman, Cook

ABSENT: None

ABSTAIN: None

I, Joan L. Flynn, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on July 1, 2004.

In accordance with the City Charter of said City

Joan L. Flynn, City Clerk

Deputy City Clerk

The foregoing instrument is a correct copy of the original on file in this office.

Attest October 11 2005

Joan L. Flynn

City Clerk and Ex-officio Clerk of the City Council of the City of Huntington Beach, California

By Deputy

Joan L. Flynn

City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

CITY OF HUNTINGTON BEACH

2000 MAIN STREET CALIFORNIA 92648

OFFICE OF THE CITY CLERK

JOAN L. FLYNN
CITY CLERK

October 7, 2005

Institute of Government Studies Library
University of California, Berkeley
109 Moses Hall #2370
Berkeley, CA 94720

Re: **Local Coastal Program Amendment No. 01-03**

Pursuant to *Government Code Section 50110 - Publications; Copies for State Library and University; Preservation* we are transmitting the following document(s):

City of Huntington Beach Resolution No. 2004-73
Adopting LCPA No. 01-03

If you have any questions, please call the Office of the City Clerk at 714-536-5227.

Sincerely,

Patty Esparza
Deputy City Clerk

enclosures: Certified Copy of City of Huntington Beach Resolution No. 2004-73

RESOLUTION NO. 2004-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, WHICH ACKNOWLEDGES RECEIPT OF THE COASTAL COMMISSION ACTION AND ACCEPTS AND AGREES TO LOCAL COASTAL PROGRAM AMENDMENT NO. 1-03 AS MODIFIED

WHEREAS, the California Coastal Commission reviewed and approved Huntington Beach Local Coastal Program Amendment No. 1-03 as modified at the June 10, 2004 Coastal Commission hearing; and

Section 13537 of the Coastal Commission Regulations requires the local government to accept and agree to the modification by resolution within six (6) months, or the certification will expire; and

Upon the City Council action staff will forward Resolution No. 2004-73 for final Coastal Commission certification,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the City Council accepts and agrees to the Coastal Commission's approval of Local Coastal Program Amendment 1-03 by modifying Huntington Beach Zoning and Subdivision Ordinance Sections 230.96, 231.04, 231.18 and 254.08 as suggested by the Coastal Commission in the letter dated July 26, 2004, attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein. Said suggested modification shall become effective 30 days after adoption of Resolution No. 2004-73 or upon final Coastal Commission certification, whichever occurs latest.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of September, 2004.

Cathy [signature]
Mayor

REVIEWED AND APPROVED:

[signature]
City Administrator

APPROVED AS TO FORM:

[signature] LHM 8/16/04
City Attorney

8/16/04

INITIATED AND APPROVED:

[signature] FOR HZ
Director of Planning

04reso/LCP 1-03

RESOLUTION 2004-73
EXHIBIT "A"

STATE OF CALIFORNIA - THE RESOURCES AGENCY
Arnold Schwarzenegger, *Governor*

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

July 26, 2004

Howard Zelefsky, Director of Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

JUL 26 2004

Re: Huntington Beach Local Coastal Program (LCP) Major Amendment No. 1-03.

Dear Mr. Zelefsky:

You are hereby notified that the California Coastal Commission, at its June 10, 2004 meeting in San Pedro, approved City of Huntington Beach LCP Amendment No. 1-03 with modifications. Local Coastal Program (LCP) Amendment No. 1-03, contained in City Council Resolution No. 2003-34, included a total of 10 changes including one change to the LUP, three zoning map amendments (none located in the coastal zone), and six zoning text amendments. Thus, both the Land Use Plan (LUP) and the LCP Implementing Ordinances (LIP) portions of the certified LCP are affected by this amendment.

The Commission approved the LCP amendment with suggested modifications. Therefore, LCP Amendment No. 1-03 will not be effective for implementation in the City's coastal zone until: 1) the Huntington Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, and, 3) the Executive Director certifies that the City has complied with the Commission's June 10, 2004 action. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six months of the Commission's June 10, 2004 action.

Pursuant to the Commission's action on June 10, 2004, certification of City of Huntington Beach LCP Amendment No. 1-03 is subject to the attached suggested modifications:

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please call Meg Vaughn or myself at (562) 590-5071 if you have any questions regarding the modifications required for effective certification of City of Huntington Beach LCP Amendment No. 1-03.

Sincerely,

Teresa Henry

Teresa Henry
District Manager

cc: Mary Beth Broeren, Senior Planner
Jason Kelley, Assistant Planner

HNB LCPA 1-03 pst act ltr 7.26.04 mv

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

June 8, 2004

HUNTINGTON BEACH LCP AMENDMENT 1-03
ADDENDUM: REVISED SUGGESTED MODIFICATIONS

II. SUGGESTED MODIFICATIONS

Certification of City of Huntington Beach LCP Amendment Request No. 1-03 is subject to the following modifications.

The City's existing language is shown in plain text.

The City's proposed language is shown in **bold text.**

The Commission's suggested modifications are shown in ***bold, italic, underlined text***.

SUGGESTED MODIFICATION NO. 1

City Zoning Text Amendment 02-1

Add to Section 230.96 Wireless Communication Facilities

F. Site Selection

5. ***Significant adverse impacts to public visual resources shall be minimized by incorporating one or more of the following into project design and construction:***

   a. ***Co-locating antennas on one structure;***
   b. ***Stealth installations;***
   c. ***Locating facilities within existing building envelopes;***
   d. ***Minimizing visual prominence through colorization or landscaping;***
   e. ***Removal of facilities that become obsolete.***

6. ***Wireless communication facilities affecting the public viewshed and/or located in areas designated water Recreation, Conservation, Parks, and Shoreline shall be removed within six (6) months of termination of use and the site restored to its natural state.***

SUGGESTED MODIFICATION NO. 2

City Zoning Text Amendment 01-4

Add to Chapter 231 Off-Street Parking and Loading Provision

Section 231.04 Off-Street Parking and Loading Spaces Required

C. **The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have a minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements. *This provision shall not apply to applications for development within the coastal zone that necessitate a coastal development permit.***

SUGGESTED MODIFICATION NO. 3

City Zoning Text Amendment 01-4

Add the following language to Chapter 231.18 Design Standards:

231.18 D. Residential parking

7. **Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:**

    1) **Fire Department approval for location and emergency entry.**
    2) **Postmaster approval of location for mail boxes or entry for postal carrier.**
    3) **Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking.**
    4) ***No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.***

231.18 E. Non-residential Parking and Loading

1. Parking controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Planning Commission. **Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:**

   ~~4~~1) Fire Department approval for location and emergency entry.
   ~~5~~2) Postmaster approval of location for mail boxes or entry for postal carrier.
   ~~6~~3) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.
   4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

SUGGESTED MODIFICATION NO. 4

City Zoning Text Amendment 01-2

Add to Section 254.08 Parkland Dedication

O. Exemptions. The following development shall be exempt from the payment of fees pursuant to this Section:

1. Development of real property into housing units that are either rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code, and provided that the applicant executes an agreement, in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and binding on the owner and any successor-in-interest to the real property being developed, guaranteeing that all of the units on the real property shall be maintained for lower and very low income households, whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto.

2. **Subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years.**

3. ***Exemptions pursuant to sections 1 or 2 above shall only be granted when the following findings can be made:***

   i. ***The project meets the minimum on-site private and common open space requirements; or***
   ii. ***The exemption will not individually or cumulatively result in adverse impacts to public recreational opportunities in the coastal zone; and***
   iii. ***The exemption will not individually or cumulatively lead to overcrowding or overuse of public facilities by the public in any single area in the coastal zone.***

Res. No. 2004-73

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN FLYNN, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **20th day of September, 2004** by the following vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman
NOES: None
ABSENT: Cook, (Vacant Position Unfilled)
ABSTAIN: None

Joan L. Flynn

City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

ATTACHMENT 2

ATTACHMENT 2

Also see Reso. 2004-73

RESOLUTION NO. 2004-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY AMENDING SECTIONS 230.96, 231.04, 231.18 AND 254.08 THEREOF TO CONFORM LCP AMENDMENT NO. 1-03 TO MODIFICATIONS MADE BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, pursuant to the State Planning and Zoning Law, the Huntington Beach City Council has held a public hearing relative to amending the Huntington Beach Zoning and Subdivision Ordinance wherein all information presented at said hearing was carefully considered, and after due consideration of the findings and all evidence presented to the City Council, the City Council found that such amendment to the Huntington Beach Zoning and Subdivision Ordinance was proper, and consistent with the Huntington Beach General Plan and Huntington Beach Local Coastal Program,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. The proposed amendment to the Huntington Beach Zoning and Subdivision Ordinance as identified on the attached Exhibit A and incorporated by this reference as though fully set forth herein, is hereby adopted and approved.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of September, 2004.

Cathy [signature]
Mayor

REVIEWED AND APPROVED:

Carolyn Cullen [signature]
City Administrator
9/13/04

APPROVED AS TO FORM:

Jennifer McGrath [signature]
City Attorney
9/13/04

INITIATED AND APPROVED:

[signature]
Director of Planning

EXHIBIT A

EXHIBIT A

LEGISLATIVE DRAFT for Resolution No. 2004-80

Chapter 230 Site Standards

(3249-6/95, 3301-11/95, 3334-6/97, 3410-3/99, 3455-5/00, 3482-12/00, 3494-5/01, 3525-2/02, 3568-9/02, EMG 3594-11/02, EMG 3596-12/02)

Sections:

230.02 Applicability

This chapter contains supplemental land use and development standards, other than parking and loading, landscaping and sign provisions, that are applicable to sites in all or several districts. These standards shall be applied as specified in Title 21: Base Districts, Title 22: Overlay Districts, and as presented in this chapter.

Residential Districts

230.04 Front and Street Side Yards in Developed Areas

Where lots comprising 60 percent of the frontage on a blockface in an R district are improved with buildings that do not conform to the front yard requirements, the Planning Commission may adopt by resolution a formula or procedure to modify the front and street side yard setback requirements. The Planning Commission also may modify the required yard depths where lot dimensions and topography justify deviations. Blocks with such special setback requirements shall be delineated on the zoning map. Within the coastal zone any such setback modifications adopted by the Planning Commission shall be consistent with the Local Coastal Program. (3334-6/97)

230.06 Religious Assembly Yard Requirements

Yards, height and bulk, and buffering requirements shall be as specified by a conditional use permit, provided that the minimum interior side yard and rear yard shall each be 20 feet. Yards adjoining street property lines shall not be less than required for a permitted use.

230.08 Accessory Structures

A. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.

Location. Except as provided in this section, accessory structures shall not occupy a required front, side or street side yard or court, or project beyond the front building line of the principal structure on a site. An accessory structure shall be setback 5 feet from the rear property line except no setback is required for accessory structures, excluding garages and carports, which abut an alley. No accessory structures shall be permitted off-site.

C. Maximum Height. 15 feet, except a detached garage for a single family dwelling may exceed the maximum height when it is designed to be architecturally compatible with the main dwelling and does not include habitable floor area.

D. Maximum Size in RL District. In an RL district, the total gross floor area of accessory structures more than 4 feet in height that are not attached to a dwelling shall not exceed 600 square feet or 10 percent of lot area, whichever is more.

E. Patio Covers. A patio cover open on at least 2 sides and complying with all other provisions of this subsection may be attached to a principal structure provided a 5-foot clearance to all property lines is maintained.

F. Decks. A deck 30 inches or less in height may be located in a required yard.

G. Separation. The distance between buildings on the same lot shall not be less than 10 feet.

230.10 Accessory Dwelling Units

A. Permit Required. Accessory dwellings may be permitted in all R districts on lots with a single family dwelling subject to a conditional use permit issued by the Zoning Administrator. Applications shall be submitted to the Director accompanied by the required fee, plans and elevations showing the proposed accessory dwelling and its relation to the principal dwelling, descriptions of building materials, landscaping and exterior finishes to be used and parking to be provided, and any other information required by the Director to determine whether the proposed unit conforms to all requirements of this code. The Zoning Administrator shall approve a conditional use permit for an accessory dwelling unit after a duly noticed public hearing upon finding that:

1. The dwelling conforms to the design and development standards for accessory dwelling units established in Subsection (C) of this section;

2. The accessory unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes;

3. The main dwelling or the accessory dwelling will be owner-occupied; and

4. Public and utility services including emergency access are adequate to serve both dwellings.

B. Design and Development Standards.

1. Minimum Lot Size. 6,000 square feet.

2. Maximum Unit Size. The maximum square footage of the accessory dwelling unit shall not exceed 650 square feet and shall not contain more than one bedroom.

3. Required Setbacks. Accessory dwelling units shall comply with minimum setbacks of Chapter 210.

4. Height and Building Coverage. The basic requirements of Chapter 210 shall apply unless modified by an overlay district.

5. Parking. All parking spaces shall comply with Section 231.18D. (3334-6/97)

6. Design. The accessory unit shall be attached to the main dwelling unit in such a manner as to create an architecturally unified whole, not resulting in any change to the visible character of the street. The entrance to the accessory unit shall not be visible from the street in front of the main dwelling unit. Building materials, colors and exterior finishes should be substantially the same as those on the existing dwelling.

C. Ownership. The second unit shall not be sold separately from the main dwelling unit.

D. Conditions Recorded. The conditional use permit and conditions of approval shall be filed for record with the County Recorder within 30 days of approval. Evidence of such filing shall be submitted to the Director within 30 days of approval.

E. Parkland Dedication In-lieu Fee. A parkland dedication in-lieu fee shall be assessed at 25 percent of the fee for a single family residence as set by resolution of the City Council and paid prior to issuance of the building permit.

230.12 Home Occupation in R Districts

A. Permit Required. A home occupation in an R district shall require a Home Occupation Permit, obtained by filing a completed application form with the Director. The Director shall approve the permit upon determining that the proposed home occupation complies with the requirements of this section.

B. Contents of Application. An application for a Home Occupation Permit shall contain:

1. The name, street address, and telephone number of the applicant;

2. A complete description of the proposed home occupation, including number and occupation of persons employed or persons retained as independent contractors, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles used.

C. Required Conditions. Home occupations shall comply with the following conditions:

1. A home occupation shall be conducted entirely within one room in a dwelling. No outdoor storage shall be permitted. Garages shall not be used in connection with such business except to park business vehicles.

2. No one other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.

3. There shall be no display of merchandise, projects, operations, signs or name plates of any kind visible from outside the dwelling. The appearance of the dwelling shall not be altered, or shall the business be conducted in a manner to indicate that the dwelling or its premises is used for a non-residential purpose, whether by colors, materials, construction, lighting, windows, signs, sounds or any other means whatsoever.

4. A home occupation shall not increase pedestrian or vehicle traffic in the neighborhood.

5. No commercial vehicle or equipment used in conjunction with the home occupation shall be parked overnight on an adjacent street or in any yard visible from the street.

6. No motor vehicle repair for commercial purposes shall be permitted.

7. A home occupation shall not include an office or salesroom open to visitors, and there shall be no advertising of the address of the home occupation.

8. A conditional use permit shall be issued by the Zoning Administrator when a home occupation involves instruction and/or service, e.g. music lessons, beauty shop, swimming lessons. Where a home occupation involves swimming instruction in an

outdoor swimming pool, each swimming class shall be limited to 4 students, and no more than 2 vehicles shall be used to transport students to such classes.

9. Any authorized City employee may inspect the premises of a home occupation upon 48 hours notice to ascertain compliance with these conditions and any requirements of this code. The permit for a home occupation that is not operated in compliance with these provisions shall be revoked by the Director after 30 days written notice unless the home occupation is altered to comply.

230.14 Affordable Housing Incentives/Density Bonus

A. When a developer of a residential property which is zoned and general planned to allow five (5) or more dwelling units proposes to provide affordable housing, he or she may request a density bonus and/or other incentive through a conditional use permit subject to the provisions contained in this section. A density bonus request pursuant to the provisions contained within this section shall not be denied unless the project is denied in its entirety.

B. The City may grant incentives to the developer. An incentive includes, but is not limited to, the following:

1. A density bonus.

2. A reduction in site development standards or architectural design requirements which exceed the minimum building standards contained within the Uniform Building Code as adopted by the City including, but not limited to, a reduction in setback, lot coverage, floor area ratio, parking and open space requirements.

3. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

4. A reduction in development and/or processing fees.

5. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

6. Financial assistance by the City, i.e., housing set-aside funds.

7. Other incentives mutually agreeable to the City and developers consistent with all City, State and Federal laws, rules, standards, regulations and policies.

C. <u>Target rents/mortgage payments</u>.

1. For the purpose of this section, units designated for moderate income household shall be affordable at a rent or mortgage payment that does not exceed twenty-five percent (25%) of the gross family income.

2. For the purpose of this section, units designated for lower income households shall be affordable at a rent or mortgage payment that does not exceed thirty percent (30%) of sixty percent (60%) of the Orange County median income as defined by the State of California Department of Housing and Community Development.

3. For the purpose of this section, those units designated for very low income households shall be affordable at a rent or mortgage payment that does not exceed thirty percent (30%) of fifty percent (50%) of the Orange County median income as defined by the State of California Department of Housing and Community Development.

D. Affordability requirements.

1. Percentage of affordable units required. To qualify for a density bonus and/or other incentives, the developer of a residential project must agree to one of the following:

   a. Provide at least twenty percent (20%) of the total units of the housing development for lower income households; or

   b. Provide at least ten percent (10%) of the total units of the housing development for very low income households; or

   c. Provide at least fifty percent (50%) of the total units of the housing development for qualifying senior residents.

   The density bonus shall not be included when determining the number of housing units required to be affordable. Remaining units may be rented, sold, or leased at "market" rates.

   If a developer is granted a density bonus in excess of twenty-five percent (25%), those additional units above the twenty-five percent (25%) may be required to be maintained affordable for "moderate income" households.

2. Duration of affordability. Units required to be affordable as a result of the granting of a density bonus and other incentives shall remain affordable for thirty (30) years. If the City does not grant at least one concession or incentive pursuant to this chapter in addition to the density bonus, or provides other incentives in lieu of the density bonus, those units required to be affordable shall remain so for ten (10) years.

3. Affordable unit distribution and product mix. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project.

   Affordability agreement. Affordability shall be guaranteed through an "Affordability Agreement" executed between the developer and the City. Said agreement shall be recorded on the subject property with the Orange County Recorder's Office as provided in Section 65915, et seq. of the California Government Code, prior to the issuance of building permits and shall become effective prior to final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include, but is not limited to, the following items:

   a. The number of and duration of the affordability for the affordable units;

   b. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;

   c. The method in which vacancies will be marketed and filled;

   d. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project; and

   e. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.

5. City action. Pursuant to this section the City shall:

a. Grant a density bonus and at least one of the concessions or incentives identified in Section 230.18B unless the City makes a written finding that the additional concession or incentive is not required in order for rents or mortgage payments to meet the target rates; or

b. Provide other incentives of equal value to a density bonus as provided in Section 65915, et seq. of the California Government Code. The value of the other incentives shall be based on the land cost per dwelling unit.

E. Procedure.

1. In addition to submitting all documentation required to apply for a conditional use permit, a developer requesting a density bonus or other incentive pursuant to this section shall include the following in the written narrative supporting the application:

   a. A general description of the proposed project, general plan designation, applicable zoning, maximum possible density permitted under the current zoning and general plan designation and such other information as is necessary and sufficient. The property must be zoned and general planned to allow a minimum of five (5) units to qualify for a density bonus.

   b. A calculation of the density bonus allowed.

   c. In the case that the developer requests the City to modify development standards as another incentive, a statement providing a detailed explanation as to how the requested incentive will enable the developer to provide housing at the target rents or mortgage payments. Modification of development standards will be granted only to the extent necessary to achieve the housing affordability goals set forth herein.

   d. A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and general plan designations.

2. All subsequent City review of and action on the applicant's proposal for a density bonus and/or consideration of any requested other incentives shall occur in a manner concurrent with the processing of the conditional use permit and any other required entitlements, if any. If the developer proposes that the project not be subject to impact fees or other fees regularly imposed on a development of the same type, final approval will be by the City Council.

3. The Planning Commission/City Council shall review the subject Affordability Agreement concurrently with the development proposal. No project shall be deemed approved until the Affordability Agreement has been approved by the appropriate reviewing body.

4. The Planning Commission/City Council may place reasonable conditions on the granting of the density bonus and any other incentives as proposed by the applicant. However, such conditions must not have the effect, individually or cumulatively, of impairing the objective of California Government Code Section 65915 et seq., and this section, of providing affordable housing for qualifying residents, lower or very low income households in residential projects.

5. A monitoring fee, as established by resolution of the City Council, shall be paid by the applicant to the City prior to issuance of a certificate of occupancy for the first unit. This fee shall be in addition to any other fees required for the processing of the conditional use permit, environmental analysis, and/or any other entitlements required.

F. Required findings for approval.

1. Density bonus. In granting a conditional use permit for a density bonus, the Planning Commission/City Council shall make all of the following findings:

   a. The proposed project, which includes a density bonus, can be adequately serviced by the City and County water, sewer, and storm drain systems without significantly impacting the overall service or system.

   b. The proposed project, which includes a density bonus, will not have a significant adverse impact on traffic volumes and road capacities, school enrollments, or recreational resources.

   c. The proposed project which includes a density bonus is compatible with the physical character of the surrounding area.

   d. The proposed project which includes a density bonus is consistent with the overall intent of the General Plan.

   e. If located within the coastal zone, the proposed project which includes a density bonus will not result in the fill, dredge, or diking of a wetlands. (3334-6/97)

2. Other incentives. A request for an additional incentive shall not be denied by the Planning Commission or City Council unless a finding is made that the incentive is not necessary to the establishment of affordable units. In granting any other incentives as defined in this section, the Planning Commission/City Council shall be required to make all of the following findings:

   a. The granting of the proposed other incentive(s) will not have an adverse impact on the physical character of the surrounding area.

   b. The granting of the proposed other incentive(s) is consistent with the overall intent of the General Plan.

   c. The granting of the proposed other incentive(s) will not be detrimental to the general health, welfare, and safety of persons working or residing in the vicinity.

   d. The granting of the proposed other incentive(s) will not be injurious to property or improvements in the vicinity.

   e. The granting of the proposed other incentive(s) will not impose an undue financial hardship on the City.

   f. If the other incentive is a modification of development standards, the granting of the other incentive is necessary to achieve the target affordable rents/mortgage payments for the affordable units.

   g. The granting of the proposed other incentive will not result in the filling or dredging of wetlands. (3334-6/97)

230.16 Manufactured Homes

A. General Requirements. Manufactured homes may be used for residential purposes if such manufactured home conforms to the requirements of this section and is located in an R district. Manufactured homes also may be used for temporary uses, subject to the requirements of a temporary use permit issued under Chapter 241.

B. Location and Design Requirements. Manufactured homes may be located in any R district where a single family detached dwelling is permitted, subject to the same restrictions on

density and to the same property development standards, provided that such manufactured home meets the design and locational criteria of this subsection. These criteria are intended to protect neighborhood integrity, provide for harmonious relationship between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on residential lots.

1. Location Criteria: Manufactured homes shall not be allowed:

   a. On substandard lots that do not meet the dimensional standards of Chapter 210;

   b. As a second or additional unit on an already developed lot; or

   c. As an accessory building or use on an already developed lot.

2. Design Criteria: Manufactured homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

   a. Each manufactured house must be at least 16 feet wide;

   b. It must be built on a permanent foundation approved by the Building Official;

   c. It must have been constructed after June 1, 1979, and must be certified under the National Manufactured Home Construction and Safety Act of 1974;

   d. The unit's skirting must extend to the finished grade;

   e. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;

   f. The roof must have a pitch of not fewer than 2 inches vertical rise per 12 inches horizontal distance, with eave overhangs a minimum of 12 inches;

   g. The roof must be of concrete or asphalt tile, shakes or shingles complying with the most recent editions of the Uniform Building Code fire rating approved in the City of Huntington Beach;

   h. The floor must be no higher than 20 inches above the exterior finished grade; and

   i. Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.

C. Cancellation of State Registration. Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and standards. Before occupancy, the owner shall provide to the Director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the Director with a statement to that effect from the dealer selling the home.

230.18 Subdivision Sales Offices and Model Homes

Subdivision sales offices and model homes in conjunction with an approved subdivision is permitted with the following requirements. (3525-2/02)

A. The office shall be discontinued within 30 days following sale of the last on-site unit. A cash bond shall be posted with the City in the amount of $1,000 for the sales office and $1,000 for each model home to guarantee compliance with the provisions of this code.

B. The developer or contractor shall furnish a site plan showing the placement of the sales office and all model signs, parking signs, directional signs, temporary structures, parking and landscaping.

C. No sales office shall be converted or expanded into a general business office for the contractor or developer.

230.20 Payment of Park Fee

As a condition of development approval, all new commercial and industrial development and all new residential development not covered by Chapter 254 of Title 25, Subdivision Ordinance, except for mobile home parks, shall pay a park fee. The fees shall be paid and calculated according to a schedule adopted by City Council resolution. (EMG 3594-11/02, EMG 3596-12/02)

230.22 Residential Infill Lot Developments

The following Residential Infill requirements are intended to minimize impacts on contiguous developed single family residential property and provide standards that insure compatibility and appropriate design for projects located within existing residential neighborhoods, unless to do so would contravene the terms of an existing Development Agreement. (3301-11/95)

Infill development site plans and building design shall be harmonious and compatible with streets, driveways, property lines, and surrounding neighborhood. Compatibility considerations should include, but not be limited to, lot size, lot frontages, building layout, building configuration and design, building materials, product type, grade height and building height relative to existing dwellings, and visual intrusion concerns. The Director of Community Development shall cause all requests for plan check and issuance of building permits for residential infill lot development to be reviewed in accordance with these requirements. (3301-11/95)

A. Privacy Design Standards.

1. New residences shall off-set windows from those on existing residences to insure maximum privacy. The use of translucent glass or similar material, shall be used for all bathroom windows facing existing residences. Consider locating windows high on elevations to allow light and ventilation, and insure privacy. (3301-11/95)

2. Minimize the canyon effect between houses by clipping roof elevations on side yards. Provide roof line variations throughout a multi-dwelling infill development. (3301-11/95)

3. Provide architectural features (projections, off-sets) to break up massing and bulk.

4. Upper story balconies shall be oriented toward the infill house's front or rear yard areas, a public street or permanent open space. (3301-11/95)

B. Noise Considerations.

1. Swimming pool/hot tub equipment, air conditioning equipment, and other permanently installed motor driven equipment shall be located to minimize noise impacts on contiguous residences. (3301-11/95)

C. Pad Height.

1. Pad height for new construction shall match to the extent feasible pad heights of contiguous residences. Any property owner/developer who intends to add fill above the

height of the existing contiguous grades shall demonstrate to the Community Development Director and the City Engineer that the additional fill is not detrimental to surrounding properties in terms of compatibility and drainage issues. (3301-11/95)

D. Public Notification Requirements.

Ten (10) working days prior to submittal for plan check (plan review) the applicant shall give notice of the application to adjacent property owners and the City of Huntington Beach, Department of Community Development by first class mail. The notice of application shall include the following: (3301-11/95)

a. Name of applicant;

b. Location of planned development, including street address (if known) and/or lot and tract number; (3301-11/95)

c. Nature of the planned development, including maximum height and square footage of each proposed infill dwelling unit; (3301-11/95)

d. The City Hall telephone number for the Department of Community Development to call for viewing plans;

e. The date by which any comments must be received in writing by the Department of Community Development. This date shall be ten (10) working days from plan check (plan review) submittal; and

f. The address of the Department of Community Development.

2. The applicant shall submit a copy of each notice mailed and proof of mailing of the notice(s) when submitting the application for plan check (plan review). The adjacent property owners shall have ten (10) working days from plan check (plan review) submittal to provide comments regarding the application to the Director of Community Development. All decisions of the Director regarding the application shall be final. (3301-11/95)

230.24 Small Lot Development Standards

A. Permitted Uses. The following small lot development standards are provided as an alternative to attached housing in multi-family districts. Small lot developments are permitted in RM, RMH, and RH Districts (excluding RL Districts and RMH-A Subdistricts) subject to approval of a Conditional Use Permit and Tentative Map by the Planning Commission. The Design Review Board shall review and forward recommendations on all small lot development proposals prior to Planning Commission action. These standards shall apply to all small lot subdivisions, whether the tentative map is designed with single units per lot, or multiple units per lot (condominium).

B. Design standards. The following standards shall be considered by the Planning Commission prior to development approval:

1. Architectural features and general appearance of the proposed development shall enhance the orderly and harmonious development of the area or the community as a whole.

2. Architectural features and complementary colors shall be incorporated into the design of all exterior surfaces of the building in order to create an aesthetically pleasing project.

3. All vehicular access ways shall be designed with landscaping and building variation to eliminate an alley-like appearance.

C. Development Standards. The following standards shall apply to all small lot developments:

Minimum Building Site or Lot Size	3,100 sq. ft. (3,400 sq. ft. avg.)
Minimum Lot Frontage	40 ft.
Cul de sac and knuckle	30 ft.
Maximum Height	
Dwellings	30 ft.; max. 2 stories except 3rd level permitted <500 sq. ft. Min. 5/12 roof pitch No decks above the second story
Accessory Structures	15 ft.
Minimum Setbacks	
Front	
Dwelling	15 ft. + offsets in front façade
Covered Porches (unenclosed)	10 ft.
Garage	18 ft
Upper Story	Upper story setback shall be varied
Side	8 ft. aggregate, min. 3 ft. 0 ft. permitted with min. 8 ft. on other side
Street Side	10 ft.; includes min. 4 ft. landscape lettered lot (6 ft. between bldg. and prop. line)
Rear	
Dwelling	15 ft.; 50% of bldg. width may be at 13 ft.
Garage	3 ft.; 0 ft. if garage is designed to back to another garage
Maximum Lot Coverage	50% + 5% for covered porches, patio covers, balconies.
Maximum Floor Area Ratio (FAR)	0.7
Minimum Interior Garage Dimension (width x depth)	Min. 400 sq. ft.; min. 18 ft. wide
Minimum Building Separation to Accessory Building	6 ft.
Open Space	
Common recreational area (project)	Projects of 20 units or more: 150 sq. ft./unit; min. 5,000 sq. ft.; min. 50 ft. dimension. Projects less than 20 units: Min. 600 sq. ft. private and/or common per unit. Private open space excludes side and front yard setback areas. Common open space requires min. 10 ft. dimension.
Required Parking	Small lot developments shall provide parking consistent with single family residential

	developments specified in Chapter 231. In addition, minimum 1 on-street space per unit for guest/visitor parking shall be provided.
	A parking plan depicting the location of all parking spaces shall be submitted with the conditional use permit application.
Street Sections Streets	The city shall review proposed street sections upon submittal of the tentative map and conditional use permit applications.
	Min. 36 ft. curb to curb may be permitted provided all units in the development are equipped with automatic sprinkler systems – On-street parking shall be provided on both sides of the street.
Sidewalks/Parkways	Sidewalks shall be provided on both sides of the street.
	Min. 6 ft. landscape parkways may be provided on both sides of the street. Sidewalk widths shall be designed to Public Works Standards.
Walls and Fences	Block walls required; may allow wrought iron element where appropriate
Landscaping	Tree wells adjacent to landscape parkways on the street side of curb is encouraged, however shall not encroach into the min. 24 foot wide drive aisle. Also see Chapter 232 Landscaping

230.26 (Reserved)

230.28 (Reserved)

230.30 (Reserved)

<u>Non-Residential Districts</u>

230.32 Service Stations

The following supplemental development standards shall apply to the Service Station use classification.

A. <u>Minimum parcel size</u>. 22,500 square feet.

B. <u>Minimum frontage</u>. 150 feet and located at the intersection of arterial highways.

C. <u>Site Layout</u>. Conditions of approval of a conditional use permit may impose restrictions on outdoor storage and display and location of pump islands, canopies and service bay openings

and require buffering, screening, lighting, or planting areas necessary to avoid adverse impacts on properties in the surrounding area.

D. Design standards.

1. In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. Service stations shall be designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the general neighborhood.

2. The location, number, and design of driveways as well as on and off-site traffic circulation impacts shall be analyzed.

3. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. A maximum of 3 service bays shall be permitted per site, none of which shall face a public right-of-way.

4. Lighting shall be of low profile design, indirect or diffused, and shall create no negative impact on surrounding uses.

5. A minimum 10 percent of the site shall be landscaped. Landscaping plans shall conform to all applicable provisions of Chapter 232 as well as conform to the following requirements:

   a. A 3 foot-wide planter (inside dimension) along interior property lines shall be provided, except at vehicular circulation openings. Additional landscaping may be required to screen service bays from surrounding properties.

   b. A 600 square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets.

   c. A total of 70 square feet of planting area shall be located adjacent to and on the street side of the main building.

6. Buildings shall conform to the setback regulations stated for the district in which the site is located. Pump islands and canopy structures shall maintain the following minimum setbacks from street side property lines:

   Pump island: 20 feet

   Canopy: 10 feet with ground clearance of 12 feet

E. Storage of Materials and Equipment. The provisions of Section 230.74, Outdoor Facilities, shall apply, except that a display rack for automobile products no more than 4 feet wide may be maintained at each pump island of a service station and a single tire storage display no more than 8 feet high and 16 feet long may be located on the site of a service station. If display racks are not located on pump islands, they shall be placed within 3 feet of the principal building, and shall be limited to 1 per street frontage. Outside storage of motor vehicles for more than 24 hours (7 days if the vehicle is actively being serviced) is prohibited, except as provided for truck and utility trailer rentals. The location of display racks and vending machines shall be specified by the conditional use permit.

F. Accessory Uses. The accessory uses listed below shall be permitted as included on the approved site plan. Such uses shall be subordinate to the main operation and shall not impede safe vehicular and pedestrian circulation or be detrimental to surrounding properties or potential customers. Such uses shall be included as part of the original conditional use

permit request or shall be subject to a new conditional use permit if proposed subsequent to the original conditional use permit.

1. Convenience markets are permitted provided no automotive repair or truck or trailer rental is permitted on the same site.

2. Automatic washing, cleaning and waxing of vehicles. Such activity shall be of an integral design with the main structure.

3. Truck and utility truck rental is permitted provided the trucks do not exceed 25 feet in length and are stored a minimum of 50 feet from the street property lines.

230.34 Housing of Goods

All goods, wares, merchandise, produce, and other commodities which are stored or offered for sale or exchange in the commercial and industrial districts shall be housed in permanent buildings except as otherwise provided by this code.

230.36 Transportation Demand Management

A. Purpose and intent. It is the purpose and intent to implement the requirements of Government Code Section 65089.3(a)(2), to mitigate the impacts that development projects may have on transportation mobility, congestion and air quality, and to promote transportation demand management strategies.

B. Definitions. For purposes of this Section, the following definitions for the following terms shall apply:

1. Alternative transportation mode: Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

2. Carpool: Two (2) to six (6) persons traveling together in a single vehicle.

3. Employee: Means any person employed by a firm, person(s), business, educational institution, non-profit agency or corporation, government agency, or other entity which employs 100 or more persons at a single worksite. "Employee" shall include persons employed on a full-time, part-time, or temporary basis.

4. Employer: Means any person(s), firm, business, educational institution, government agency, non-profit agency or corporation, or other entity which employs or houses tenants that collectively employ 100 or more employees at a worksite on a full and/or part-time/temporary basis.

4. Building Size: Means the total gross floor area measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of both new development and existing facilities.

6. Mixed-Use Development: Means new development projects that integrate any one of these land uses with another: residential, office, commercial, industrial and business park.

7. Tenant: Means the lessee of facility space at a development project who may also serve as an employer.

8. Transportation Demand Management (TDM): Means the implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools and transit; and reduction of VMT and the number of vehicle trips.

9. Vanpool: Means a vehicle occupied by seven (7) or more persons traveling together.

10. Worksite: Means a building or group of buildings which are under common ownership and the place of employment, base of operation, or predominate location of an employee or group of employees.

C. Applicability:

1. These provisions apply to commercial, industrial, institutional, or other uses which are determined to employ 100 or more persons, as determined by the employee generation factors specified under subsection 4. This includes any permit for existing facilities that already have 100 or more employees or will have 100 or more employees.

2. These provisions apply to all districts, planned communities and specific plan areas including those covered by development agreements. These provisions shall supersede other ordinances with which there is a conflict.

3. Notwithstanding "1" above, the following uses and activities shall be specifically exempt from the provisions of this section:

   a. Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors and construction workers.

   b. Other temporary use classifications or as authorized by the Planning Commission /Zoning Administrator when such temporary activities are for a period not to exceed 30 days and held no more than once a year.

4. Employee generation factors shall be based on one of the following:

   a. Employment projections developed by the property owner, subject to approval by the Director;

   b. Building sizes shall be considered equivalent to the 100 employee threshold as follows:

Type of Use	Building Size (in square feet) Equivalent to 100 Employees
Office/Professional	35,000
Hospital and Medical/Dental	40,000
Industrial (excluding Warehouses)	50,000
Commercial/Retail	50,000
Hotel	0.8 employees/hotel room
Motel	1.2
Resort Hotel	100,000
Mixed or multiple use	*
Warehouse	100,000

* The employment projection for a development of mixed or multiple uses shall be calculated on a case-by-case basis based upon the proportion of development devoted to each type of use.

D. Site development standards: Development projects subject to this section shall comply with the following site development standards:

1. Parking for Carpool Vehicles

   a. The following percentages of the total required parking spaces per Chapter 231 shall be reserved and designated for employee carpool vehicles by making such spaces "Carpool Only":

Type of Use	Percent of Total Parking Devoted to Employee Carpool Parking
Office Professional	13%
Hospital and Medical/Dental Office	9%
Industrial/Warehouse	14%
Commercial/Retail	5%
Hotel	space for every 2 employees

   b. Carpool spaces shall be located near the building's identified employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Director.

2. Shower and Locker Facilities

   Shower and locker facilities shall be provided for use by employees or tenants who commute to the site by bicycle or walking. The use of such facilities shall be provided at no cost to the user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following:

   a. Lockers shall be provided at a minimum ratio of 1 for every 20 employees.

   b. Separate shower facilities shall be provided at a minimum rate of 2 per 100 employees.

3. Bicycle Parking

   a. Bicycle parking facilities shall be provided at the minimum rate of 1 bicycle parking space for every 20 employees or fraction thereof, in a secure location, and in close proximity to employee entrances, for use by employees or tenants who commute to the site by bicycle.

   b. A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user-provided six (6) foot cable and lock.

4. Commuter Information Areas

   A commuter information area shall be provided to offer employees appropriate information on alternative transportation modes. This area shall be centrally located and accessible to all employees or tenants and shall be sufficient size to accommodate such information on alternative transportation modes.

5. Passenger Loading Areas

   Unless determined unnecessary by the decision-maker, per Title 24, passenger loading areas to embark and disembark passengers from rideshare vehicles and public transportation shall be provided as follows:

a. Passenger loading area shall be large enough to accommodate the number of waiting vehicles equivalent to 1% of the required parking for the project.

b. The passenger loading areas shall be located as close as possible to the identified employee entrance(s), and shall be designed in a manner that does not impede vehicular circulation in the parking area or in adjoining streets.

6. Parking for Vanpool Vehicles

Unless determined unnecessary by the decision-maker, per Title 24, parking for vanpool vehicles shall be provided as follows:

a. The number of vanpool parking spaces shall be at least 1% of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only."

b. For parking structures, vanpool vehicle accessibility shall include minimum 7' 2" vertical clearance.

c. Vanpool parking spaces shall be located near identified employee entrance(s) or other preferential locations.

7. Bus Stops

Unless determined unnecessary by the decision-maker, per Title 24, bus shelter, pullouts, and pads shall be provided as necessary in consultation with affected transit service providers.

230.38 Game Centers

The following supplemental requirements shall apply to the operation of game centers, including mechanical or electronic games or any other similar machine or device, in order to control the location and hours of operation of game centers so as not to allow school children to play the games during school hours or to encourage minors to congregate in areas close to commercial establishments that sell alcoholic beverages.

A. Conditional Use Permit Required. Applicants desiring a permit for the purpose of operating a game center as a business in a C district must obtain a conditional use permit from the Zoning Administrator. The permit is valid only for the number of games specified; the installation or use of additional games requires a new or amended permit.

B. Adult Manager. At least one adult manager shall be on the premises during the time a game center is open to the public.

C. Hours of Operation for Minors under 18 Years of Age. No game center owners, manager or employees shall allow a minor under 18 years of age to play a mechanical or electronic game machine during the hours the public schools of the district in which the center is located are in session, or after 9 p.m. on nights preceding school days, or after 10 p.m. on any night. It is the responsibility of the owner or manager of the game center to obtain a current schedule of school days and hours.

D. Locational Criteria. A game center shall not be permitted within 2,500 feet of a school site, 300 feet of the boundary of a residential district, or within 500 feet of a liquor store, a nightclub, cocktail lounge or bar. The distance shall be measured as walking distance from the game center to the property line of the school site, the district boundary, or the property line of the liquor store, nightclubs, cocktail lounge, or bar, as the case may be.

E. Restrictions. The Zoning Administrator may impose reasonable restrictions on the physical design, location, and operation of a game center and require a special bicycle parking area in

order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community.

230.40 Helicopter Takeoff and Landing Areas

A. Permit Required. A conditional use permit may be issued for the construction and operation of a heliport, helipad, or helistop if the Planning Commission finds that:

1. The helipad, heliport, or helistop conforms to the locational criteria and standards established in Subsections (B) and (C) of this section, and the requirements of the California Department of Transportation, Division of Aeronautics;

2. The heliport, helipad, or helistop is compatible with the surrounding environment; and

3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare.

The Commission may impose conditions of approval on the conditional use permit to prevent adverse impacts on surrounding properties. If such impacts can not be mitigated to an acceptable level, the conditional use permit application shall be denied.

B. Locational Criteria.

1. Minimum Separation. Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation or police functions, and temporary landing sites.

2. Protected Areas. No heliport, helipad, or helistop shall be located within 1,000 feet of an R district or the site of a public or private school, except for heliports or helistops specifically intended only for emergency or police use. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary use permit subject to approval of the California Department of Transportation.

C. Site Development Standards.

1. Approach and departure paths 65 feet wide shall be free of obstruction for a minimum distance of 400 feet.

2. Setbacks from property lines shall be as follows:

   a. Takeoff and landing area - 50 feet;

   b. Helicopter maintenance facilities - 25 feet;

   c. Administrative or operations building - 15 feet.

3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.

4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.

5. Helipads or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only." The initial direction of the departure routes shall be indicated on the takeoff and landing area.

F. Application Requirements. The following additional information shall be submitted with a conditional use permit application:

1. An area map, at a scale of 1" = 800' showing existing land use within a two-mile radius of the facility site and the proposed flight paths.

2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures and trees within 50 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.

3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.

4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1" = 800' showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum sound levels associated with the types of helicopters expected to use the facility.

230.42 Bed and Breakfast Inns

A. Permit Required. The Planning Commission may approve a conditional use permit for a bed and breakfast inn in any C District and RMH-A District after a duly noticed public hearing upon finding that:

1. The bed and breakfast inn will be operated by a property owner living on the premises;

1. The bed and breakfast inn conforms to the design and development standards of Subsection (B) of this section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes; and

3. Public and utility services, including emergency access, are adequate to serve the bed and breakfast inn.

B. Design and Development Standards.

1. Minimum Size and Maximum Number of Guest Rooms. The inn shall contain at least 2,000 square feet, but no more than six rooms shall be rented for lodging.

2. Parking. The requirements of Chapter 231 shall apply.

3. Signs. The requirements of Chapter 233 apply. In addition, in the RMH-A district, no identifying sign shall be displayed other than a sign no larger than 2 square feet identifying the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted.

230.44 Recycling Operations

Collection containers shall be permitted for charitable organizations such as Goodwill. Recycling containers shall be permitted as an accessory use to a permitted use. Recycling and collection containers shall not be located within required parking or landscaped areas or obstruct pedestrian paths. Recycling as an accessory use shall not exceed 500 square feet including any required attendant parking space. A recycling operation as a primary use shall comply with the development standards contained in Chapter 212.

230.46 Single Room Occupancy

Single room occupancy (SRO) shall comply with the following requirements:

A. General Provisions.

1. All projects shall comply with the most recently adopted City Building, Plumbing, Mechanical, Electrical, Fire, and Housing Codes.

2. No more than one (1) person shall be permitted to reside in any unit, excluding the manager's unit and up to 25 percent of the total number of units which have double occupancy. (3494-5/01)

3. A Management Plan shall be submitted for review and approval with the conditional use permit application. The Management Plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program including video cameras monitoring building access points at every floor, rental procedures and proposed rates, maintenance plans, staffing needs, and tenant mix, selection and regulations. Income levels shall be verified by a third party and submitted to the City of Huntington Beach as part of the annual review. (3494-5/01)

4. An on-site, twenty-four (24) hour manager is required in every SRO project. In addition, a manager's unit shall be provided which shall be designed as a complete residential unit, and be a minimum of 300 square feet in size. (3494-5/01)

5. Rental procedures shall allow for monthly tenancies only; deposit requirements shall be specified. (3494-5/01)

6. All units within SRO projects shall be restricted to very low and low income individuals as defined by the City's housing element, with the exception of the twenty-four (24) hour manager. Rental rates shall be calculated using a maximum of 30% of income toward housing expenses based on County of Orange income figures. (3494-5/01)

7. Each SRO project shall be subject to annual review by the City which includes the review of management services. The management services plan shall define third party verification criteria. The SRO project owner shall be responsible for filing an annual report to the Planning and Economic Development Departments which includes the range of monthly rents, the monthly income of residents, occupancy rates, and the number of vehicles owned by residents. (3494-5/01)

8. The Planning Commission or City Council may revoke the conditional use permit if any violation of conditions or any of the adopted Huntington Beach Codes occurs. (3494-5/01)

B. Unit Requirements.

1. Minimum unit size shall be 250 square feet except double occupancy units shall be a minimum of 400 square feet. (3494-5/01)

2. Maximum unit size shall be three hundred (300) square feet excluding manager's unit and double occupancy units. (3494-5/01)

3. Each unit shall contain a kitchen and bathroom. (3494-5/01)

   a. Kitchens shall contain a sink with garbage disposal, counter top (minimum 16" x 24"), refrigerator, and stove/oven unit and/or microwave; (3494-5/01)

   b. If stoves/oven units are not provided in each unit, then stoves/oven units shall be provided in a common kitchen area(s). (3494-5/01)

c. Bathrooms shall contain a lavatory, toilet, and shower or bathtub.

d. Each unit shall have a minimum forty-eight (48) cubic feet of closet/storage space.

C. Project Requirements.

1. Common recreational space shall be provided in each project as follows:

a. Minimum common recreational space shall be four hundred (400) square feet.

b. For projects exceeding thirty (30) units, an additional 10 square feet of recreational space per unit is required. (3494-5/01)

Units that are 400 square feet or greater shall have a minimum of 15 square feet of recreational space per unit. (3494-5/01)

c. Common recreational space may be indoor or outdoor provided there is at least forty percent (40%) allotted toward indoor space and forty percent (40%) outdoor space; the balance may be either indoors or outdoors.

d. Common recreational space may be in separate areas provided each space is not less than two hundred (200) square feet in size and has no less than a ten (10) foot dimension.

2. A single controlled entryway for routine ingress and egress shall be situated adjacent to and in full view of the manager's desk.

3. A secured office area shall be incorporated in the facility for the storage of confidential resident records and security office personnel. (3494-5/01)

4. Mailboxes shall be provided for each unit located near the lobby in plain view of the entry desk. (3494-5/01)

5. Handicap access facilities shall be as required by applicable state or local law. (3494-5/01)

6. At least one handicapped-accessible unit shall be required for every twenty (20) units. (3494-5/01)

7. Laundry facilities shall be provided in a separate room in a location near the common indoor recreational space. Washers and dryers may be coin operated. (3494-5/01)

8. A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold water on every floor shall be provided on every floor. (3494-5/01)

9. Storage Lockers (3494-5/01)

a. Storage lockers shall be provided in a secured area.

b. The cumulative total of locker space shall be no less than a ratio of ten (10) cubic feet per unit.

10. All common indoor space areas shall have posted in a conspicuous location a notice from the City's Planning Department regarding contact procedures to investigate housing code violations. (3494-5/01)

11. Bicycle stalls shall be provided at a minimum of one (1) stall per five (5) units in a secured and enclosed and covered area. (3494-5/01)

12. Trash disposal chutes as well as a centralized trash area shall be provided on all multi-story projects. (3494-5/01)

13. A minimum of two (2) pay telephones shall be provided in the lobby area. The telephone service shall only allow outgoing calls. (3494-5/01)

14. Phone jack(s) shall be provided in each unit. (3494-5/01)

15. A shipping and receiving/maintenance garage shall be provided near a convenient vehicular access on the ground floor. (3494-5/01)

A. Permit Required. Equestrian centers shall be permitted in the OS-PR and PS districts, subject to the approval of a conditional use permit by the Planning Commission. Where all off-site improvements are not provided, initial approval shall be for a maximum period of five years subject to annual review. One year extensions of time may be granted after public hearing by the Planning Commission. On requests to allow a facility on a permanent basis, the Planning Commission shall determine required improvements based on the existing and proposed land uses and the existing off-site improvements within the area.

B. Design and Development Standards.

1. Minimum Parcel Size/Frontage. The minimum lot size and lot frontage shall be:

	Area	Frontage
Temporary facilities:	2 acres	100 feet
Permanent facilities:	5 acres	100 feet

2. Density/Riding Areas. Maximum density for horse facilities shall be determined by the following criteria:

(a) Maximum density shall be twenty-five (25) horses per acre.

(b) Minimum riding area shall be five thousand (5,000) square feet per fifteen (15) horses. For facilities with over one hundred (100) horses, two separate arenas shall be provided. In the alternative, off-site riding area shall be provided adjacent to the facility at the rate of one acre per fifteen (15) horses.

(c) Exercise rings shall have no dimension less than thirty (30) feet.

(d) The minimum arena size shall be ten thousand (10,000) square feet with no dimension less than eighty (80) feet.

3. Maximum Building Height. Maximum building height shall be thirty (30) feet.

4. Required Setbacks.

Front:	50 feet (30 feet for caretaker's residence)
Interior side:	25 feet
Exterior side:	50 feet
Rear:	25 feet
Minimum distance to any residential zone or use:	300 feet

5. Corral Design. Corrals designed for one horse shall comply with the following requirements. Corrals designed for more than one horse shall provide a minimum area per horse as indicated below. All corrals, racks and stalls shall be of compatible design, materials to be approved by the fire department.

   (a) Corral size: 288 square feet
   Minimum dimension: 12 feet

   Shelter size: 96 square feet
   Minimum dimension: 8 feet

   (b) Each corral shall have an approved water system with automatic drinking controls provided.

   (c) Box stalls may be provided in lieu of horse corrals. Such stalls shall be a minimum of 144 square feet with no dimension less than twelve (12) feet.

6. Wash rack. One wash rack per thirty-five (35) horses or fraction thereof shall be provided subject to the following requirements. Wash racks designed for more than one horse shall provide a minimum area per thirty-five (35) horses as indicated below:

   (a) Individual wash racks shall be 6 feet by 8 feet.

   (b) Each wash rack shall have an approved watering system and be connected to a sewer facility with a back-siphon device at the water source.

   (c) A concrete slab floor shall be provided.

C. Insect and Rodent Control.

1. Feed mangers or boxes shall not be placed near water sources.

2. Nonleak valves shall be provided for all troughs, bowls, cups and other water sources.

3. Automatic valves or sanitary drains shall be provided for large troughs or cups.

4. Grading in paddocks and corrals shall be properly integrated into a master drainage plan to prevent ponding of water. Shelters shall be sloped away from the center of the corrals, or rain gutters shall be installed to the exterior of the corral.

5. Method of disposal of solid wastes shall be approved by Planning Commission. Trash disposal areas and dumpsters shall be designated and conveniently located with an all-weather road access provided.

6. All dry grains shall be stored in rodent-proof metal containers and hay storage shall be covered. Bulk or commercial amounts of grain or hay shall be located a minimum of fifty (50) feet away from any horse enclosure.

D. Miscellaneous Operating Requirements.

1. The ground surface of horse enclosures shall be graded above their surroundings. A grading plan shall be submitted prior to issuance of a conditional use permit.

2. Storage and tack areas shall be designated on the site plan.

3. Continuous dust control of the entire premises shall be maintained subject to the regulations contained in Huntington Beach Municipal Code Chapter 8.24. The method for water sprinkling arenas and exercise pens shall be indicated on the site plan.

4. A permanent single family residence shall be provided on the site with a watchman on duty twenty-four (24) hours a day. Two fully enclosed parking spaces shall be provided. Where a mobilehome is used to satisfy this requirement, one carport space and one open space shall be permitted.

5. A back-siphoning device shall be installed to protect the public water supply. An approved pressure vacuum breaker is recommended on the waterline serving the corrals. The vacuum breaker shall be at least twelve (12) inches above the highest point of water usage or an approved double-check valve may be used.

6. Security lighting shall be confined to the site and all utilities shall be installed underground.

7. A log containing the name of every horse, its location in the facility, the owner's name and address, and the names and addresses of persons to be notified in case of emergency shall be maintained in the watchman's quarters for ready reference.

8. All fire protection appliances, appurtenances, emergency access, and any other applicable requirements, pursuant to Huntington Beach Municipal Code Chapter 17.56, shall meet the specifications of the fire department.

9. The entire site, exclusive of riding areas, shall be fenced in such a manner as to confine horses within the site in order to protect the perimeter landscaping from damage. Individual corrals shall be enclosed by a minimum five (5) foot high fence.

E. Off-street Parking and Landscaping.

1. Parking and circulation design shall comply with the standards outlined in Chapter 231. In addition, the perimeter of the parking area shall be delineated by pilasters or wooden poles with chain, cable, or heavy rope connectors. The parking lot shall be surfaced in accord with the specifications of the Department of Public Works.

2. Landscaping, as set out in Chapter 232, shall be provided except that the minimum landscaped area required shall be a ten (10) foot wide (inside dimension) planter along all property lines.

230.50 Indoor Swap Meets/Flea Markets

Indoor swap meets/flea markets shall comply with the following requirements:

A. Conditional Use Permit Required. Indoor swap meets/flea market uses may be permitted as temporary uses only upon approval of conditional use permit by the Planning Commission for a period of time not to exceed ten (10) years. One year extension of time may be granted after public hearing by the Planning Commission.

B. Location Considerations: The Planning Commission shall consider the following issues when evaluating a proposed conditional use permit:

1. The site's proximity to residences, schools, hospitals and other noise sensitive uses.

2. The potential adverse impacts on traffic circulation and pedestrian safety.

3. The site's proximity to other indoor swap meets/flea markets to avoid overconcentration of facilities.

4. The site's proximity to businesses processing hazardous materials.

C. Location Criteria.

1. Indoor swap meet/flea market uses shall only be allowed on property located adjacent to arterial streets.

D. Minimum Building Size.

1. Minimum building gross floor area shall be one hundred thousand (100,000) square feet.

E. Miscellaneous Requirements.

1. Ancillary Uses. Ancillary uses may be permitted as included on the approved site plan. Such uses shall be included as part of the initial conditional use permit requirements or shall be subject to new entitlement if proposed after the initial application has been filed.

2. Signs. Individual vendors shall not be permitted any outdoor signs, including temporary. Signs shall comply with the standards outlined in Chapter 233.

3. Parking. Parking shall comply with the standards outlined in Chapter 231.

230.52 (Reserved)

230.54 (Reserved)

230.56 (Reserved)

230.58 (Reserved)

230.60 (Reserved)

All Districts

230.62 Building Site Required

No building or structure shall be erected or moved onto any parcel of land in the city except on a lot certified in compliance with the Subdivision Map Act and local subdivision and zoning provisions at time of creation or on a parcel created as a result of a public taking. No building or structure shall be altered or enlarged to increase the gross floor area by more than 50 percent within any one-year period except on a legal building site.

230.64 Development on Substandard Lots

Development on substandard lots shall be subject to approval of a conditional use permit by the Zoning Administrator. A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:

A. The lot must have been in single ownership separate from any abutting lot on the effective date of the ordinance that made it substandard. Two or more contiguous lots held by the same owner shall be considered as merged if one of the lots does not conform to the minimum lot size or width for the base district in which it is located.

B. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in an R district, one dwelling unit may be located on a substandard lot that meets the requirements of this section.

C. An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for purposes of this section.

230.66 Development on Lots Divided by District Boundaries

The standards applicable to each district shall be applied to the area within that district. No use shall be located in a district in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a district in which the use is not a permitted or conditional use.

230.68 Building Projections Into Yards and Courts

Projections into required yards and courts shall be permitted as follows:

ALLOWABLE PROJECTIONS IN FEET[a]

	Front Yard	Side Yard	Street Side Yard	Rear Yard
Fireplace or chimney	2.5	2.5[b]	2.5	2.5
Cornice, eaves and ornamental features	3	2.5[b]	3	3
Mechanical equipment	2	2[b]	2[b]	2
Uncovered porches, terraces, platforms, subterranean garages, decks, and patios not more than 3 feet in height serving only the first floor	6	3	4	5
Stairs, canopies, awnings and uncovered porches more than 3 feet in height	4	2[b]	4	4[b]
Bay windows	2.5	2.5[b]	2.5	2.5
Balconies	3	2[b]	3	3
Covered patios	0	0	5[c]	5

Notes: [a]No individual projection shall exceed 1/3 of the building length, and the total of all projections shall not exceed 2/3 of the building length on which they are located.

[b]A 30-inch clearance from the property line shall be maintained.

[c]No projection shall extend more than 1/2 the width of the street side yard.

230.70 Measurement of Height

This section establishes standards for determining compliance with the maximum building height limits prescribed for each zoning district or as modified by an overlay district.

A. Datum (100) shall be set at the highest point of the curb along the front property line. If no curb exists, datum shall be set at the highest centerline of the street along the front property line.

B. The differential between top of subfloor and datum shall be a maximum of two (2) feet as determined by Public Works. In the event that any subfloor, stemwall or footing is proposed

greater than two (2) feet above datum, the height in excess shall be deducted from the maximum allowable ridgeline height.

C. Lots with a grade differential of three (3) feet or greater between the high point and the low point, determined before rough grading, shall be subject to conditional use permit approval by the Zoning Administrator. Conditional use permit approval shall be based upon a building and grading plan which terraces the building with the grade and which is compatible with adjacent development.

230.72 Exceptions to Height Limits

Chimneys; vent pipes; cooling towers; flagpoles; towers; spires; domes; cupolas; parapet walls not more than 4 feet high; water tanks; fire towers; transmission antennae (including wireless communication facilities); radio and television antennas (except satellite dish antennae); and similar structures and necessary mechanical appurtenances (except wind-driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet. The Zoning Administrator may approve greater height with a conditional use permit. Within the coastal zone exceptions to height limits may be granted only when public visual resources are preserved and enhanced where feasible. (3334-6/97, 3568-9/02)

230.74 Outdoor Facilities

A. Permit Required. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of a conditional use permit by the Zoning Administrator in the CG, IL, IG, CV and SP districts. Sidewalk cafes with alcoholic beverage service and/or outdoor food service accessory to an Eating and Drinking Establishment shall be permitted subject to approval of a conditional use permit by the Zoning Administrator in the CO, CG, CV, OS and SP districts, but no outdoor preparation of food or beverages shall be permitted. (3525-2/02)

B. Permit Conditions: Grounds for Denial. The Zoning Administrator may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties. If such impacts cannot be prevented, the Zoning Administrator shall deny the conditional use permit application.

C. Exceptions. Notwithstanding the provisions of subsections (A) and (B) above, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries, provided outdoor storage and display is limited to plants, new garden equipment and containers only; and

2. Vehicle/Equipment Sales and Rentals, provided outdoor storage and display shall be limited to vehicles, boats, or equipment offered for sale or rent only.

D. Screening. Outdoor storage and display areas for rental equipment and building and landscaping materials shall be screened from view of streets by a solid fence or wall. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall.

230.76 Screening of Mechanical Equipment

A. General Requirement. Except as provided in subsection (B) below, all exterior mechanical equipment, except solar collectors and operating mechanical equipment in an I District located more than 100 feet from another zoning district boundary, shall be screened from

view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers.

Screening of the top of equipment may be required by the Director, if necessary to protect views from an R or OS district. Rooftop mechanical equipment shall be setback 15 feet from the exterior edges of the building.

B. Utility Meters and Backflow Prevention Devices. Utility meters shall be screened from view from public rights-of-way. Electrical transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall not be located in the front yard setback and shall be screened from view.

C. Screening Specifications. A mechanical equipment plan shall be submitted to the Director to ensure that the mechanical equipment is not visible from a street or adjoining lot.

230.78 Refuse Storage Areas

A. Refuse storage area screened on three sides by a 6-foot masonry wall and equipped with a gate, or located within a building, shall be provided prior to occupancy for all multi-family residential, commercial, industrial, and public/semipublic uses. Locations, horizontal dimensions, and general design parameter of refuse storage areas shall be as prescribed by the Director, subject to appeal to the Planning Commission. The trash area shall not face a street or be located in a required setback. The design and materials used in such trash enclosures shall harmonize with the main structure.

230.80 Antennae

A. Purpose. The following provisions are established to regulate installation of antennae to protect the health, safety, and welfare of persons living and working in the City and to preserve the aesthetic value and scenic quality of the City without imposing unreasonable limitations on, prevent the reception of signals, or imposing excessive costs on the users of the antennae.

B. Permit Required. Approval by the Director shall be required for the installation of an antenna or satellite antenna to ensure compliance with the locational criteria. Construction shall be subject to the provisions of the Uniform Building Code and National Electrical Code, as adopted by the City. Within the coastal zone, approval of a coastal development permit shall be required for installation of any antenna that meets the definition of development in Section 245.04 unless it is exempt pursuant to Section 245.08. (3334-6/97, 3568-9/02)

C. Locational Criteria: Satellite Antennae. A satellite antenna may be installed on a lot in any zoning district if it complies with the following criteria:

1. Number: Only one satellite antenna may be permitted on a residential lot.

2. Setbacks: Interior side and rear property lines, 10 feet, except that no setback shall be required in interior side and rear setback areas if the antenna or satellite antenna does not exceed 6 feet in height. No antenna or satellite antenna shall be located in a required front yard. When roof-mounted, the antenna or satellite antenna shall be located on the rear one-half of the roof. (3568-9/02)

3. Maximum Height:

   a. The maximum height of a satellite antenna shall not exceed 10 feet if installed on the ground or the maximum building height for the district in which the satellite antenna is located, if roof-mounted. (3568-9/02)

b. The maximum height of an antenna shall not exceed the maximum building height for the district in which the antenna is located. (3568-9/02)

4. Maximum Dimension: The maximum diameter of a satellite antenna shall not exceed 10 feet in all districts with the exception that the diameter may be increased in non-residential districts if a conditional use permit is approved by the Zoning Administrator. (3568-9/02)

5. Screening: The structural base of an antenna or satellite antenna, including all bracing and appurtenances, but excluding the antenna or dish itself, shall be screened from public view and adjoining properties by walls, fences, buildings, landscape, or combinations thereof not less than 7 feet high so that the base and support structure are not visible from beyond the boundaries of the site at a height-of-eye 6 feet or below. (3568-9/02)

6. Undergrounding: All wires and/or cables necessary for operation of the antenna or satellite antenna or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the antenna or satellite antenna. (3568-9/02)

7. Surface Materials and Finishes: No advertising or text or highly reflective surfaces shall be permitted.

8. Exception: Requests for installation of an antenna or satellite antennae on sites that are incapable of receiving signals when installed pursuant to the locational criteria may be permitted subject to conditional use permit approval by the Zoning Administrator. The applicant shall submit documentation that installation at a height greater than permitted, or in another yard area, is necessary for the reception of usable antenna or satellite signals. Applications shall be approved upon finding that the aesthetic value and scenic quality of the City is preserved, pedestrian or vehicular traffic vision is not obstructed, and upon the findings contained in Chapter 241. (3568-9/02)

230.82 Performance Standards For All Uses

A. Applicability and Compliance. The development standards set forth in this section apply to every use classification in every zoning district unless otherwise specifically provided. The Director may require evidence of ability to comply with development standards before issuing an entitlement.

B. Air Contaminants. Every use must comply with rules, regulations and standards of the South Coast Air Quality Management District (SCAQMD). An applicant for a zoning permit or a use, activity, or process requiring SCAQMD approval of a permit to construct must file a copy of the SCAQMD permit with the Director. An applicant for a use, activity, or process that requires SCAQMD approval of a permit to operate must file a copy of such permit with the Director within 30 days of its approval.

C. Storage On Vacant Lot. A person may not store, park, place, or allow to remain in any part of a vacant lot any unsightly object. This does not apply to building materials or equipment for use on the site during the time a valid building permit is in effect for construction on the premises.

230.84 Dedication and Improvements

A. Dedication Required. Prior to issuance of a building permit, or prior to the use of land for any purpose, all real property shall be dedicated or irrevocably offered for dedication which the City requires for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, all streets and alleys shall

be improved, or an agreement entered into for such improvements including access rights and abutters' rights, drainage, public utility easements, and other easements.

B. Exceptions. Dedication shall not be required prior to issuance of a building permit for:

1. Interior building alterations which do not exceed a third of the value of a building, as defined in the Uniform Building Code, and which effect no change of occupancy.

2. Exterior building alterations or additions for a residential use which do not exceed a third of the value of the building, as defined in the Uniform Building Code, and add no additional residential units.

3. Fences and walls.

4. Temporary uses, as specified in this code.

5. Horticultural Uses. The dedication herein required may be reviewed at the time of entitlement. Upon request by the applicant, a temporary postponement, not to exceed one (1) year, may be granted upon consideration of the following criteria:

   a. Type of horticultural use proposed.

   b. Duration (temporary or permanent).

   c. Vehicular access and effect of the proposed use on traffic in the vicinity of the site.

   d. Relationship between the proposed requirements and an anticipated expanded use.

   e. Dedication shall not be required for any purpose not reasonably related to such horticultural use.

C. Dedication Determinants. Right-of-way dedication width shall be determined by either of the following:

1. Department of Public Works standard plans; or

2. A precise plan of street, highway or alley alignment.

D. Improvements.

1. No building permit shall be issued by the Building Division until an application for permit has been filed, street improvements plans and specifications have been submitted for plan check, and all fees, established by resolution of the City Council, have been paid. The Building Division shall issue such building permit after determining that the work described in the application and the accompanying plans conforms to requirements of the Huntington Beach Building Code and other pertinent laws and ordinances.

2. The Building Division shall make a frame inspection, as required by the Huntington Beach Building Code, at which time all off-site improvements, including curbs, gutters, and street paving, shall be completed.

3. Improvements required by this code may be deferred in the following instances and upon adherence to the following requirements and regulations:

   a. Where the grade of the abutting right-of-way has not been established prior to the time when on-site structures qualify for final release for occupancy.

   b. Where a drainage system would be delayed by the installation of improvements.

c. Where an agreement is entered into with the City to install improvements by a date certain, said agreement shall be secured by a bond or deposit equal to 150 percent of the City's estimate (including inflation estimates) of the required improvements. Such bond or cash shall be deposited with the City Treasurer.

d. Where the developer has agreed with the City in writing that the deposit required by subsection (3) of this section may be used by the City after an agreed upon time to complete the required improvements, the remainder of such deposit, if any, shall be returned to the developer upon completion of such improvements by the City.

e. The Director of Public Works is authorized to receive applications from persons desiring waivers of street improvement requirements and to enter into the necessary written agreements with such applicants. A non-refundable fee set by resolution of the City Council shall accompany such application.

4. Where construction is limited to one lot and the erection of a detached single family dwelling thereon, street improvements shall include curb, gutter, sidewalk, street trees, street lights, sewer and water main extensions, and ten (10) feet of street paving to meet Department of Public Works standards. Where necessary, temporary paving shall be installed to join existing street improvements.

230.86 Seasonal Sales

A temporary sales facility for the sale of seasonal products including Christmas trees, Halloween pumpkins, or a single, season agricultural product not grown on site are permitted adjacent to any arterial highway in any district and on all church or school sites as a temporary use approved by the Director and in compliance with the following:

A. Time Limit.

1. A Christmas tree sales facility shall not be open for business during any calendar year prior to Thanksgiving.

2. A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 1.

3. A single agricultural product sales facility shall be approved for a period of time not to exceed 90 days.

B. Merchandise to be Sold. A permitted Christmas tree or Halloween pumpkin sales facility may not sell items not directly associated with that season. Only one single, season agricultural product may be sold at any one time.

C. Site Standards.

1. Storage and display of products shall be set back not less than ten (10) feet from edge of street pavement, and shall not encroach into the public right-of-way.

2. A minimum of ten (10) off-street parking spaces shall be provided.

3. Ingress and egress to the site shall be reviewed by the Department of Public Works to insure that no undue traffic safety hazard will be created.

4. Temporary structures shall comply with Building Division standards.

5. Electrical permit shall be obtained if the facility is to be energized.

6. The facility shall comply with fire prevention standards as approved and enforced by the Fire Chief.

D. Bond Required. Prior to issuance of a business license and approval by the Director, a five hundred dollar ($500) cash bond shall be posted with the City to ensure removal of any structure, cleanup of the site upon termination of the temporary use, and to guarantee maintenance of the property. A bond shall not be required for a seasonal sales facility operated in conjunction with a use on the same site.

E. Removal of facility. The seasonal sales facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment within ten calendar days of Halloween, Christmas, or the expiration of the time limit for single season agricultural product.

230.88 Fencing and Yards

No portion of a required yard area provided for a structure on a lot shall be considered as part of the yard area for any other structure on the same or an adjacent lot. In all districts, minimum setback lines shall be measured from the ultimate right-of-way line. Diagrams A, B and C are hereby adopted to illustrate the provisions of this chapter. Where any discrepancy occurs between the diagrams and the printed text, the text shall prevail. Yards and fencing shall comply with the following criteria in all districts or as specified.

A. Permitted Fences and Walls.

1. Fences or walls a maximum of forty-two (42) inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three (3) feet from the front property line. Fences or walls exceeding forty-two (42) inches in height may not be located in the required front yard, except as permitted elsewhere in this Section. (3334-6/97, 3410-3/99)

2. Fences or walls a maximum of six (6) feet in height may be located in required side and rear yards, except as excluded in this Section. Fences or walls exceeding six (6) feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.

   a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight (8) feet including retaining wall with the following: (3525-2/02)

      (1) The proposed building materials and design shall be in conformance with the Urban Design Guidelines. (3525-2/02)
      (2) Extensions to existing wall(s) shall require submittal of engineering calculations to the Building and Safety Department. (3525-2/02)
      (3) The property owner shall be responsible for the care and maintenance of landscape area(s) and wall(s) and required landscape area(s). (3525-2/02)
      (4) Approval from Public Works Department. (3525-2/02)

3. Fences or walls in the rear yard setback area of a through-lot shall not exceed forty-two (42) inches in height. This subsection shall not apply to lots abutting arterial highways.

4. In the RL district, garden or wing walls or fences equal in height to the first floor double plate, but not exceeding nine (9) feet, which are perpendicular to and entirely within a side yard may be constructed to the interior side property line and to within five (5) feet

of the exterior side property line provided they are equipped with a three (3) foot gate or accessway.

5. When residential property abuts open or public land or property zoned or used for office, commercial, or industrial purposes, an eight (8) foot high solid masonry or block wall may be constructed on the common side or rear property line.

6. In order to allow variations in the street scene in R districts, fences or walls exceeding forty-two (42) inches in height may be permitted at a reduced front setback of six (6) feet subject to plan review approval by the Director in conformance with the following criteria:

   a. The reduced setback shall be only permitted for five (5) or more contiguous lots under the same ownership and only at the time of initial construction of the dwellings.

   b. Such walls shall not encroach into the visibility triangular area formed by measuring seven and one-half (7.5) feet along the driveway and ten (10) feet along the front property line at their point of intersection.

   c. Such walls shall conform to all other applicable provisions of this section.

7. Retaining walls shall comply with the following:

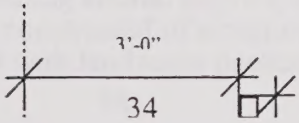
   a. Where a retaining wall is located on the property line separating lots or parcels and protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

   b. Where a retaining wall is on the property line of a rear yard abutting an arterial or exterior side yard and contains a fill of two (2) ft. or less or protects a cut below the existing grade, such retaining wall may be topped with a six (6) ft. decorative masonry wall.

   c. Where a retaining wall is on the property line of a rear yard abutting a local street, the maximum retaining wall height shall be twenty-four (24) inches as measured from the adjacent curb and may be topped with a maximum eighteen (18) inch decorative wall or fence for a total height of forty-two (42) inches.

   d. (1) The maximum height of a retaining wall on the front property line shall be thirty-six (36) inches as measured from the top of the highest adjacent curb. Subject to the Director's approval, a maximum forty-two (42) inch high wall or fence may be erected above the retaining wall with a minimum three (3) foot setback from the front property line. (3334-6/97, 3410-3/99)

      (2) In the RMH-A subdistrict, the maximum height of a retaining wall on the front property line shall be eighteen (18) inches as measured from the top of the highest adjacent curb. Subject to the Director's approval, a second retaining wall up to eighteen (18) inches in height may be erected above the eighteen (18) inch high retaining wall with a minimum three (3) foot front setback. A wall or fence up to forty-two (42) inches in height may be erected on top of the retaining wall with the minimum three foot front setback. (See Exhibit below.) (3410-3/99)



Required Tree/Palm

Landscaping

*See Maximum building height in Chapter 210

e. All retaining walls abutting a street shall be waterproofed to the satisfaction of the Director.

f. Retaining wall and fence combinations over eight (8) feet in height shall be constructed with a variation in design or materials to show the distinction. Retaining wall and fence combinations over six (6) feet in height shall be designed without decorative block or cap block, except if equal in strength to the main portion of the fence.

8. The height of any fence, wall or hedge located in the front yard setback shall be measured from top of the highest adjacent curb. All other fence heights shall be measured from existing grade.

9. Any fence or wall located on the front property line shall be approved by the Department of Public Works.

10. In the industrial districts, nine (9) foot high fences may be permitted in the side and rear setbacks up to the front building line subject to plan review approval by the Director.

11. Deviations from the maximum height requirements for walls as prescribed by this Section may be permitted subject to an approval of conditional use permit by the Zoning Administrator.

12. Within the coastal zone, no gate, fence or wall shall be permitted that restricts or obstructs public access to the shore. (3334-6/97)

B. Required Walls.

1. When office, commercial or industrial uses abut property zoned or used for residential, a six (6) foot high solid six (6) inch concrete block or masonry wall shall be required. If a wall meeting these standards already exists on the abutting residential property,

protection from vehicle damage shall be provided by a method approved by the Director. The maximum fence height shall be eight (8) feet at the common property line, subject to the same design standards and setback requirements as specified for six (6) foot high fences.

2. Industrial screening walls abutting arterial highways shall be architecturally compatible with surrounding properties, constructed of a minimum six (6) inch wide decorative masonry block, and designed with landscape pockets at thirty-five (35) foot intervals

along the street side sufficient in size to accommodate at least one (1) 15-gallon tree. Approval of a conditional use permit by the Zoning Administrator shall be required prior to construction of such walls.

C. Visibility.

1. On reverse corner lots and corner lots abutting an alley, no fence, wall or hedge greater than forty-two (42) inches in height may be located within the triangular area formed by measuring ten (10) feet from the intersection of the rear and street side property lines.

2. On corner lots, no fence, wall, landscaping, berming, sign, or other visual obstruction between forty-two (42) inches and seven (7) feet in height as measured from the adjacent curb elevation may be located within the triangular area formed by measuring twenty-five

   (25) feet from the intersection of the front and street side property lines or their prolongation. Trees trimmed free of branches and foliage so as to maintain visual clearance below seven (7) feet shall be permitted.

3. Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall not be blocked between a height of forty-two (42) inches and seven (7) feet within a triangular area formed by measuring ten (10) feet from intersecting driveways or street/alley and driveway.

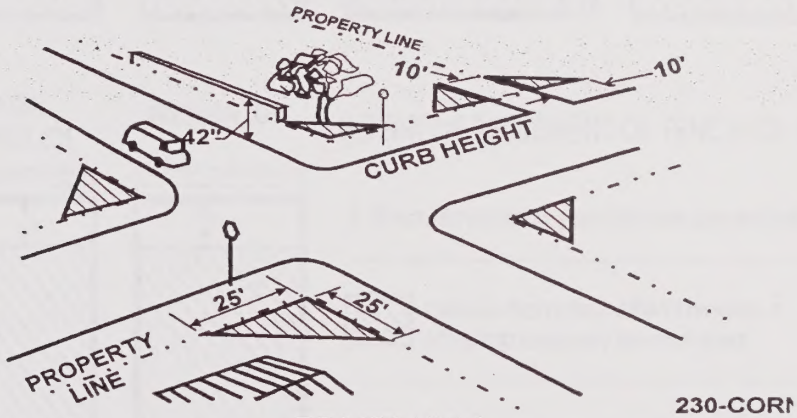
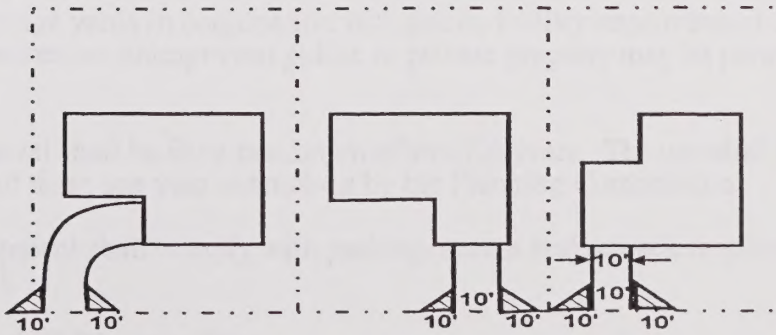
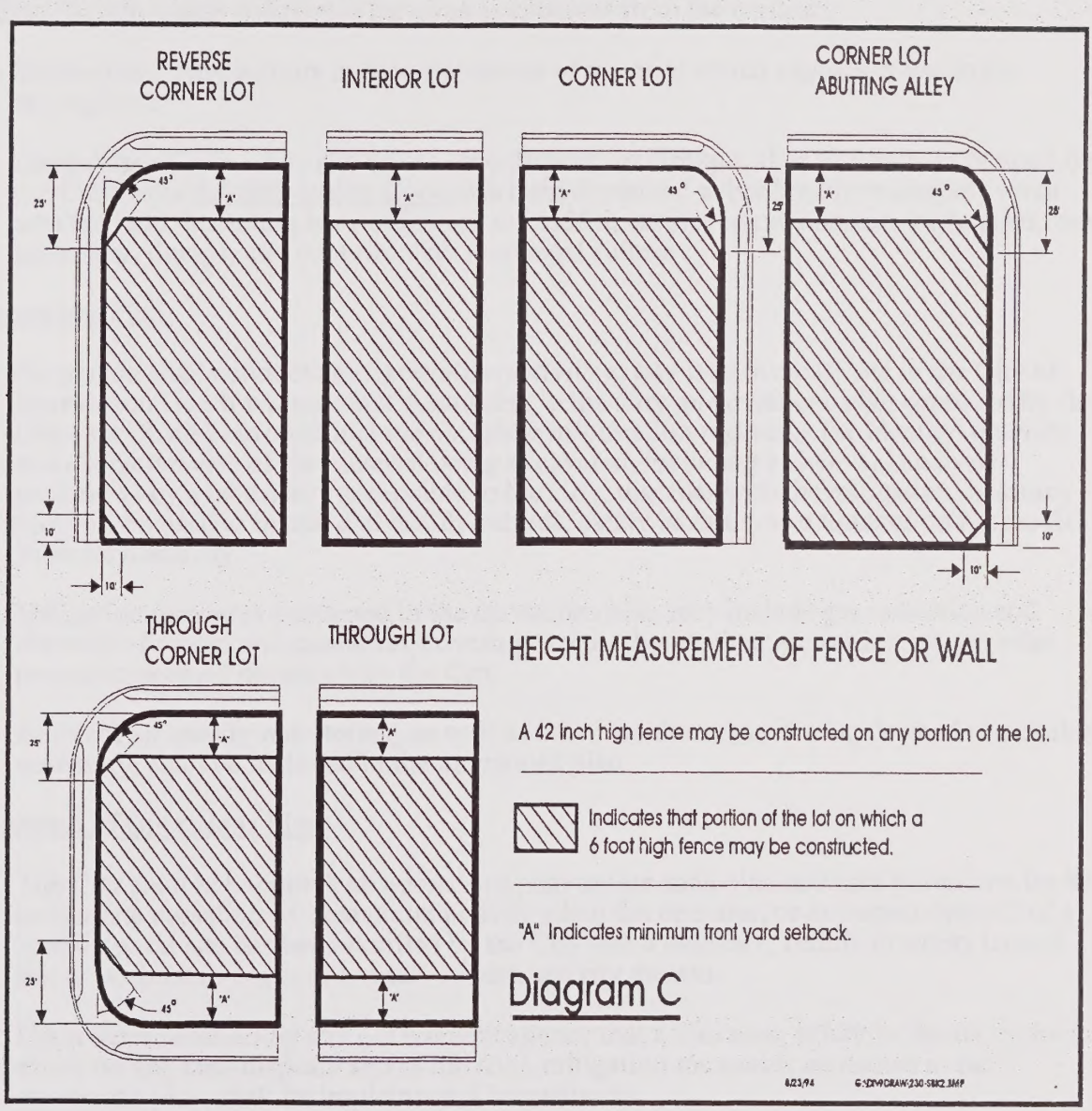


DIAGRAM A



STREET/ALLEY
DIAGRAM B



230.90 Contractor's Storage Yards/Mulching Operation

Contractor's storage yards in conjunction with public facility improvement contracts, and mulching operations on unimproved public or private property may be permitted subject to the following:

A. Initial approval shall be for a maximum of two (2) years. The use shall be eligible for a maximum of three one year extensions by the Planning Commission.

B. The development shall comply with parking, access and setback requirements contained in Chapter 231.

230.92 Landfill Disposal Sites

Excavation of landfills or land disposal sites shall be subject to the requirements of this section. These provisions are not intended to apply to grading and surcharging operations, permitted under Appendix Chapter 70 of the Uniform Building Code. Permits for grading on previously approved development projects shall be subject to approval of the Director.

A. Land Disposal Site/Definitions. The following words and phrases shall be construed as defined herein unless a different meaning is apparent from the context:

1. Excavation. Any activity and/or movement of material which exposes waste to the atmosphere.

2. Land disposal site. Any site where land disposal of Group I, II or III waste, as defined by the California Administrative Code, has been deposited either legally or illegally on or into the land, including but not limited to landfill, surface impoundment, waste piles, land spreading, dumps, and coburial with municipal refuse.

B. Operations Plan.

1. No person shall conduct any excavation activity at any land disposal site in the City of Huntington Beach without first submitting to the City an operations plan approved by the Director. Such plan shall include complete information regarding the identity, quantity and characteristics of the material being excavated, including a chemical analysis performed by a laboratory acceptable to the City, together with the mitigation measures that will be used to insure that health hazards, safety hazards, or nuisances do not result from such activity.

2. Mitigation measures contained in the operations plan may include gas collection and disposal of waste, encapsulation, covering waste, chemical neutralization, or any other measures deemed necessary by the City.

3. Ambient air quality monitoring, as well as other monitoring or testing deemed reasonably necessary, shall be included in the operations plan.

C. Approval of Operations Plan.

1. The City shall not approve an operations plan unless such plan includes provisions for the immediate cessation of excavation activity when the operator, or any agent thereof, of a land disposal site has been notified by the City that a nuisance, health, or safety hazard has or is about to occur as a result of such activity therein.

3. Upon determination by any government agency that a nuisance, safety, or health problem exists on any land disposal site in the City, mitigation measures, contained in the operations plan, shall be implemented immediately.

D. Hazardous Waste Sites. For any land disposal site determined to be a hazardous waste site by the State Department of Health Services and/or the City of Huntington Beach, the following additional measures shall be taken prior to excavation of such site:

1. All property owners within a half mile radius of the site shall receive written notice of all public hearings to be held regarding proposed excavation on the site. The cost of preparing and mailing such notice shall be paid by the operator/applicant.

2. A type of bond, acceptable to the City Attorney, shall be posted by the operator/applicant insuring that necessary funds are available to restore the site to a safe condition if excavation is prematurely terminated.

3. Excavation of the site shall be performed in accordance with the requirements of the State Department of Health Services, and any other public agency with jurisdiction over hazardous waste sites.

E. Operations Plan Contents. The operations plan shall contain the following:

1. A plan establishing lines of authority and responsibility between public agencies and the operator/applicant, or his agents, during excavation. The plan shall contain specific procedures to be followed by all responsible parties involved with the excavation.

2. A plan containing specific measures to monitor air quality to be implemented during excavation to prevent the exposure of on-site workers or area residents to unhealthful vapors from the site. If deemed necessary by the State Department of Health Services, the plan shall also include specific measures for evacuation of residents in the vicinity of the site.

3. A plan showing specific routes for vehicles transporting hazardous wastes from the site.

4. A plan containing specific steps for restoration of the site to a safe condition if excavation is terminated prematurely.

F. Exemptions. The following activities shall be exempt from the requirements of this section unless otherwise determined by the Director:

1. The drilling of holes up to twenty-four (24) inches in diameter for telephone or power transmission poles or their footings.

2. The drilling of oil wells, gas wells or landfill gas collection wells or the maintenance of gas or leachate collection systems.

3. Any excavation activity which has been determined by the Director to pose an insignificant risk, or any activity which has been covered sufficiently in a plan prepared for any other agency having jurisdiction over the site.

G. Excavation Activity Prohibited.

1. No person shall excavate at any land disposal site in the City of Huntington Beach unless he or she first certifies that all applicable regulations of other public agencies with jurisdiction over hazardous waste sites have been met.

2. Compliance with the provisions of this section shall not exempt any person from failing to comply with the requirements of the California Health and Safety Code, and any other applicable codes, rules or regulations.

230.94 Carts and Kiosks. Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to approval by the Planning Director and compliance with this section. Carts and kiosks may be permitted as a temporary use on public property subject to Specific Event approval pursuant to Chapter 5.68. (3249-6/95; 3482-12/00; 3525-2/02)

A. Location and Design Criteria. Cart and kiosk uses shall conform to the following: (3249-6/95)

1. No portion of a cart or kiosk shall overhang the property line. (3249-6/95)

2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally

blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio. (3249-6/95)

3. The cart or kiosk shall not exceed a maximum of four (4) feet in width excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures unless a larger size is approved. (3249-6/95, 3525-2/02)

4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above locational and design criteria.

B. Factors to Consider. The following factors shall be considered regarding the location and the design of cart or kiosk uses including: (3249-6/95, 3525-2/02)

1. Appropriateness of the cart or kiosk design, color scheme, and character of its location; (3249-6/95)

2. Appropriateness and location of signing and graphics; (3249-6/95)

3. The width of the sidewalk or pedestrian accessway; (3249-6/95)

4. The proximity and location of building entrances; (3249-6/95)

5. Existing physical obstructions including, but not limited to signposts, light standards, parking meters, benches, phone booths, newsstands, utilities and landscaping; (3249-6/95)

6. Motor vehicle activity in the adjacent roadway including but not limited to bus stops, truck loading zones, taxi stands, hotel zones, passenger loading or parking spaces; (3249-6/95)

7. Pedestrian traffic volumes; and (3249-6/95)

8. Handicapped accessibility. (3249-6/95)

C. Operating Requirements, Provisions and Conditions.

1. During hours of operation, the cart or kiosk must remain in the location specified on the approved site plan. (3249-6/95)

2. A cart or kiosk operator shall not sell to or solicit from motorists or persons in vehicles.

3. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use. (3249-6/95)

4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply. (3249-6/95)

5. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list size and location shall be reviewed and approved by the Planning Director. (3249-6/95; 3525-2/02)

6. The sale of alcoholic beverages shall be prohibited. (3249-6/95)

7. The number of employees at a cart or kiosk shall be limited to a maximum of two (2) persons at any one time. (3249-6/95)

8. Fire extinguishers may be required at the discretion of the Fire Department. (3249-6/95)

9. All cart and kiosk uses shall be self contained for water, waste, and power to operate. (3249-6/95)

10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes. (3249-6/95, 3525-2/02)

D. Parking. Additional parking may be required for cart or kiosk uses by the Planning Director. (3249-6/95, 3525-2/02)

E. Review; Revocation. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocation. (3249-6/95; 3525-2/02)

F. Limited Notification. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail. Notice of application shall include the following: (3525-2/02)

1. Name of applicant. (3525-2/02)

2. Location of planned development or use, including address. (3525-2/02)

3. Nature of the proposed development shall be fully disclosed in the notice. (3525-2/02)

4. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans. (3525-2/02)

5. The date by which any comments must be received in writing by the Planning Department. (3525-2/02)

6. Planning Department shall receive entire list including name and address of those receiving the mailing. (3525-2/02)

230.96 Wireless Communication Facilities

A. Purpose. All wireless communication facilities shall comply with these requirements and guidelines in order to regulate the location and design of wireless facilities for the protection of public safety, general welfare, and quality of life in the City of Huntington Beach. 3568-9/02)

B. Permit Required.

1. Administrative approval by the Director may be granted for proposed wireless communication facilities (including but not limited to ground mounted, co-located, wall, roof, or utility mounted) that are: (3568-9/02)

a. Co-located to approved facilities at existing heights or complies with the base district height limit for modified facilities, and compatible with surrounding buildings and land uses by incorporating stealth techniques; or (3568-9/02)

b. Completely stealth facilities and complies with the base district height limit; or (3568-9/02)

c. Facilities in non-residential districts and in compliance with the maximum building height permitted within the zoning district; and (3568-9/02)

1. Screened from view and not visible from beyond the boundaries of the site at eye level (six feet); or (3568-9/02)

2. Substantially integrated with the architecture of the existing building or structure to which it is to be mounted; or (3568-9/02)

3. Designed to be architecturally compatible with surrounding buildings and land uses by incorporating stealth techniques. (3568-9/02)

2. Conditional use permit approval by the Zoning Administrator shall be required for all proposed wireless communication facilities (including but not limited to ground mounted, co-located, wall, roof or utility mounted) that are: (3568-9/02)

   a. Exceeding the maximum building height permitted within the zoning district; or (3568-9/02)

   b. Visible from beyond the boundaries of the site at eye level (six feet); or (3568-9/02)

   c. Not substantially integrated with the architecture of the existing building or structure to which it is to be mounted; or (3568-9/02)

   d. Not designed to be architecturally compatible with surrounding buildings and land uses; or (3568-9/02)

   e. Facilities in residential districts that do not meet B.1.a or B.1.b. (3568-9/02)

3. Design review shall be required for wireless communication facilities located in redevelopment areas, on public right-of-ways, in OS-PR and PS zones, in areas subject to specific plans, on or within 300 feet of a residential district, and in areas designated by the City Council. Design review is not required for wireless communication facilities that comply with section B.1. (3568-9/02)

C. Definitions. For the purpose of this section, the following definitions for the following terms shall apply: (3568-9/02)

1. Accessory Structure. Any structure or equipment that is to be located ancillary to an antenna or antennas in the establishment and operation of a wireless communication facility. (3568-9/02)

2. Co-Location or Co-Located. The location of multiple antennas which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall or building. (3568-9/02)

3. Completely Stealth Facility. Any stealth facility that has been designed to completely screen all aspects of the facility including appurtenances and equipment from public view. Examples of completely stealth facilities may include, but are not limited to architecturally screed roof-mounted antennas, façade mounted antennas treated as architectural elements to blend with the existing building, flagpoles, church steeples, fire towers, and light standards. (3568-9/02)

4. Ground Mounted Facility. Any wireless antenna that are affixed to a pole, tower or other freestanding structure that is specifically constructed for the purpose of supporting an antenna. (3568-9/02)

5. Microwave Communication. The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 3 GHz to 300 GHz frequency spectrum). (3568-9/02)

6. Pre-existing Wireless Facility. Any wireless communication facility for which a building permit or conditional use permit has been properly issued prior to the effective date of

this ordinance, including permitted facilities that have not yet been constructed so long as such approval is current and not expired. (3568-9/02)

7. Roof Mounted. Any wireless antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower. (3568-9/02)

8. Stealth Facility or Techniques. Any wireless communication facility, which is designed to blend into the surrounding environment, typically, one that is architecturally integrated into a building or other concealing structure. See also definition of completely stealth facility. (3568-9/02)

9. Telecommunication Facility. A wireless communication facility that is either wall mounted, utility mounted, or roof mounted. (3568-9/02)

10. Utility Mounted. Any wireless antenna mounted to an existing above-ground structure specifically designed and originally installed to support utilities such as but not limited to electrical power lines, cable television lines, telephone lines, non-commercial wireless service antennas, radio antennas, street lighting, recreational facility lighting, traffic signal equipment or any other utility which meets the purpose and intent of this definition. (3568-9/02)

11. Wall Mounted. Any wireless antenna mounted on any vertical or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna (including the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign) such that the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted. (3568-9/02)

12. Wireless Communication Facility or Facility. An antenna structure and any appurtenant facilities or equipment that are used in connection with the provision of wireless communication service, including, but not limited to digital, cellular and radio service. (3568-9/02)

D. Applicability. (3568-9/02)

1. All wireless communication facilities which are erected, located, or modified within the City of Huntington Beach on or following the effective date of section 230.96 shall comply with these guidelines, subject to the categorical exemptions under subparagraph (3) of this section, provided that: (3568-9/02)

   a. All facilities, for which applications were determined complete by the Planning Department prior to the effective date of this section, shall be exempt from these regulations and guidelines. (3568-9/02)

   b. All facilities for which Building and Safety issued building permits prior to the effective date of section 230.96 shall be exempt from these regulations and guidelines, unless and until such time as subparagraph (2) of this section applies. (3568-9/02)

   c. Any facility, which is subject to a previously approved and valid conditional use permit, may be modified within the scope of the applicable permit without complying with these regulations and guidelines. (3568-9/02)

2. All facilities for which building permits and any extension thereof have expired shall comply with the provisions of section 230.96. (3568-9/02)

3. The following uses shall be exempt from the provisions of section 230.96 until pertinent federal regulations are amended or eliminated. See Section 230.80 (Antennae) for additional requirements. (3568-9/02)

   a. Any antenna structure that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service for television purposes, as defined by Section 207 of the Telecommunication Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof issued by the Federal Communications Commission (FCC). (3568-9/02)

   b. Any antenna structure that is two meters (78.74 inches) or less in diameter located in commercial or industrial zones and is designed to transmit or receive radio communication by satellite antenna. (3568-9/02)

   c. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive Multipoint Distribution Service, provided that no part of the antenna structure extends more than five (5) feet above the principle building on the same lot. (3568-9/02)

   d. Any antenna structure that is designed to receive radio broadcast transmission. (3568-9/02)

   e. Any antenna structure used by authorized amateur radio stations licensed by the FCC. (3568-9/02)

E. Facility Standards.

1. Aesthetics:

   a. Facility: All screening used in conjunction with a wall or roof mounted facility shall be compatible with the architecture of the building or other structure to which it is mounted, including color, texture and materials. All ground mounted facilities shall be designed to blend into the surrounding environment, or architecturally integrated into a building or other concealing structure. (3568-9/02)

   b. Equipment/Accessory Structures: All equipment associated with the operation of the facility, including but not limited to transmission cables, shall be screened in a manner that complies with the development standards of the zoning district in which such equipment is located. Screening materials and support structures housing equipment shall be architecturally compatible with surrounding structures by duplicating materials and design in a manner as practical as possible. If chain link is used, then it must be vinyl coated and not include barbed wire. (3568-9/02)

   c. General Provisions: All Wireless Communication Facilities shall comply with the Huntington Beach Urban Design Guidelines. (3568-9/02)

2. Building Codes: To ensure the structural integrity of wireless communication facilities, the owners of a facility shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for facilities that are published by the Electronic Industries Association, as amended from time to time. (3568-9/02)

3. Conditions of Approval: Acceptance of conditions by the applicant and property owner shall be ensured by recordation of the conditions on the property title. (3568-9/02)

4. Federal Requirements: All Wireless Communication Facilities must meet or exceed current standards and regulations of the FCC, and any other agency of the state or federal government with the authority to regulate wireless communication facilities. (3568-9/02)

5. Interference: To eliminate interference the following provisions shall be required for all wireless communication facilities regardless of size: (3568-9/02)

   a. Prior to issuance of a building permit, the applicant must submit the following information to the Police Department for review: (3568-9/02)

      1. All transmit and receive frequencies; (3568-9/02)
      2. Effective Radiated Power (ERP); (3568-9/02)
      3. Antenna height above ground, and (3568-9/02)
      4. Antenna pattern, both horizontal and vertical (E Plane and H Plane). (3568-9/02)

   b. At all times, other than during the 24-hour cure period, the applicant shall comply with all FCC standards and regulations regarding interference and the assignment of the use of the radio frequency spectrum. The applicant shall not prevent the City of Huntington Beach or the countywide system from having adequate spectrum capacity on the City's 800 MHz voice and data radio frequency systems. The applicant shall cease operation of any facility causing interference with the City's facilities immediately upon the expiration of the 24-hour cure period until the cause of the interference is eliminated. (3568-9/02)

   c. Before activating its facility, the applicant shall submit to the Police and Fire Departments a post-installation test to confirm that the facility does not interfere with the City of Huntington Beach Public Safety radio equipment. The Communications Division of the Orange County Sheriff's Department or Division-approved contractor at the expense of the applicant shall conduct this test. This post-installation testing process shall be repeated for every proposed frequency addition and/or change to confirm the intent of the "frequency planning" process has been met. (3568-9/02)

   d. The applicant shall provide to the Planning Department a single point of contact (including name and telephone number) in its Engineering and Maintenance Departments to whom all interference problems may be reported to insure continuity on all interference issues. The contact person shall resolve all interference complaints within 24 hours of being notified. (3568-9/02)

   e. The applicant shall insure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply. (3568-9/02)

6. Lighting: All outside lighting shall be directed to prevent "spillage" onto adjacent properties, unless required by the FAA or other applicable authority, and shall be shown on the site plan and elevations. (3568-9/02)

7. Maintenance: All facilities and appurtenant equipment shall be maintained to remain consistent with the original appearance of the facility. Ground mounted facilities shall be covered with anti-graffiti coating. (3568-9/02)

8. Monitoring: For all wireless communication facilities, the applicant shall provide a copy of the lease agreement between the property owner and the applicant prior to the issuance of a building permit. (3568-9/02)

9. Signs: The facility shall not bear any signs or advertising devices other than certification, warning, or other required seals of signage. (3568-9/02)

F. Site Selection. For all wireless communication facilities, the applicant shall provide documentation that demonstrates the following: (3568-9/02)

1. Compatibility with the surrounding environment or architecturally integrated into a structure. (3568-9/02)

2. Screened or camouflaged by existing or proposed topography, vegetation, buildings or other structures as measured from beyond the boundaries of the site at eye level (six feet). (3568-9/02)

3. Massing and location of the proposed facility are consistent with surrounding structures and zoning districts. (3568-9/02)

4. No portion of a wireless communication facility shall project over property lines. (3568-9/02)

5. **Significant adverse impacts to public visual resources shall be minimized by incorporating one or more of the following into project design and construction:**

   a. **Co-locating antennas on one structure;**
   b. **Stealth installations;**
   c. **Locating facilities within existing building envelopes;**
   d. **Minimizing visual prominence through colorization or landscaping;**
   e. **Removal of facilities that become obsolete.**

6. **Wireless communication facilities affecting the public viewshed and/or located in areas designated water Recreation, Conservation, Parks and Shoreline shall be removed within six (6) months of termination of use and the site restored to its natural state.**

G. Facilities in the Public Right-of-Way. Any wireless communication facility to be placed over, on or beneath the public right-of-way shall comply with the following standards: (3568-9/02)

1. Any wireless communication facilities to be constructed on or beneath the public right-of-way must have a franchise agreement with the City or the owner that has a wireless franchise agreement with the City, or the applicant must provide documentation demonstrating that the applicant is a state-franchised telephone corporation exempt from local franchise requirements. (3568-9/02)

2. All equipment associated with the operation of a facility, including but not limited to transmission cables, shall be placed underground in those portions of the street, sidewalks and public rights-of-way where cable television, telephone or electric lines are underground. At no time shall equipment be placed underground without appropriate conduit. (3568-9/02)

3. The City Engineer shall approve the location and method of construction of all facilities located within public rights-of-way. (3568-9/02)

4. All wireless communication facilities shall be subject to applicable City permit and inspection fees, including, but not limited to, those pertaining to encroachment permits and all applicable fees. (3568-9/02)

5. Any wireless communication facility installed, used or maintained within the public rights-of-way shall be removed or relocated when made necessary by any "project." For purposes of this section, project shall mean any lawful change of grade, alignment or width of any public right-of-way, including but not limited to, the construction of any

subway or viaduct that the City may initiate either through itself, or any redevelopment agency, community facility district, assessment district, area of benefit, reimbursement agreement or generally applicable impact fee program. (3568-9/02)

6. Wireless communication facilities may be installed on existing utility poles, conduits and other facilities of a public utility, with the approval of the City Engineer, provided a franchise agreement exists allowing wireless installation. (3568-9/02)

7. Prior to the approval of any required building permits or entitlements (Conditional Use Permits, Variances, etc.) the applicant shall have a franchise agreement approved by the City Council. (3568-9/02)

H. Facilities on Public Property. Any wireless communication facility to be placed over, on or beneath public property shall comply with the following standards: (3568-9/02)

1. Wireless communication facilities shall be installed in accordance with all applicable City codes and ordinances, including, but not limited to, standards for paving in the event that any undergrounding of utilities is required. (3568-9/02)

2. Any wireless communication facilities to be constructed on or beneath public property must have a lease agreement with the city. (3568-9/02)

I. Additional Requirements.

1. Landscaping: Landscape planting, irrigation and hardscape improvements may be imposed depending on the location, the projected vehicular traffic, the impact on existing facilities and landscape areas, and the visibility of the proposed facility. Submittal of complete landscape and architectural plans for review and approval by the Directors of Public Works and Planning may be required. Public Works inspectors may require additional improvements during installation based on facility impacts. (3568-9/02)

2. Utility Agreement: If the proposed facility will require electrical power or any other utility services to the site, the applicant will be required to furnish the City's Real Estate Services Manager, either a drafted utility franchise agreement between the City of Huntington Beach and the applicant to place those lines in the public right-of-way, or a written statement from the utility company who will be supplying the power or other services, that they accept all responsibility for those lines in the public right-of-way. (3568-9/02)

J. Facility Removal.

1. Cessation of Operation: Within thirty (30) days of cessation of operations of any wireless communication facility approved under this section, the operator shall notify the Planning Department in writing. The facility shall be deemed abandoned pursuant to the following sections unless: (3568-9/02)

   a. The City has determined that the operator has resumed operation of the wireless communication facility within six (6) months of the notice; or (3568-9/02)

   b. The City has received written notification of a transfer of wireless communication operators. (3568-9/02)

2. Abandonment: A facility that is inoperative or unused for a period of six (6) continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the facility and the owner(s) of the premises upon which the facility is located. Such notice may be delivered in person, or mailed to the address(es) stated on the facility permit application, and shall be deemed abandoned at the time delivered or placed in the mail. (3568-9/02)

3. Removal of Abandoned Facility: The operator of the facility and the owner(s) of the property on which it is located, shall within thirty (30) days after notice of abandonment is given either (1) remove the facility and restore the premises, or (2) provide the Planning Department with written objection to the City's determination of abandonment. Any such objection shall include evidence that the facility was in use during the relevant six- (6) month period and that it is presently operational. The Director shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator notice of its determination. (3568-9/02)

4. Removal by City: At any time after thirty-one (31) days following the notice of abandonment, or immediately following a notice of determination by the Director, if applicable, the City may remove the abandoned facility and/or repair any and all damage to the premises as necessary to be in compliance with applicable codes. The City may, but shall not be required to, store the removed facility (or any part thereof). The owner of the premises upon which the abandoned facility was located, and all prior operators of the facility, shall be jointly liable for the entire cost of such removal, repair, restoration and/or storage, and shall remit payment to the City promptly after demand thereof is made. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City. (3568-9/02)

LEGISLATIVE DRAFT For Resolution no. 2004-80

Chapter 231 Off-Street Parking and Loading Provisions

(3334-6/97, 3378-2/98, 3494-5/01, 3526-2/02)

Sections:

231.02 Basic Requirements for Off-Street Parking and Loading

A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter and parking area landscaping shall be provided in accord with Chapter 232. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use, an expansion of greater than 50 percent of the existing space in a non-residential building or an addition of bedrooms or units in a residential building. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand. (3334-6/97)

B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this chapter. Expansion of a use with nonconforming parking shall be subject to the following requirements: (3334-6/97)

1. A multi-family residential use with nonconforming parking may be expanded by adding bedrooms or additional units provided that the expansion complies with current standards contained in this chapter; (3334-6/97)

2. A single-family residence with nonconforming parking may be expanded by adding bedrooms provided the dwelling complies with current standards contained in this chapter; and (3334-6/97)

3. A nonresidential use with nonconforming parking may be expanded less than 50 percent of the existing square footage or intensified if additional parking is provided for the expansion or intensification. Expansions of 50 percent or more of the existing square footage require the site to be in total compliance with the current parking standards contained in this chapter. (3334-6/97)

C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of parking or loading spaces. (3334-6/97)

D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required by Section 231.06A, but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of loading spaces. (3334-6/97)

E. Location and Ownership. Parking facilities required by this chapter shall be on the same site as the use served, except that an adjacent lot may be used which is in the same person's possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the City Attorney, and recorded in the Office of the County Recorder. A copy of the recorded document stipulating the reservation of the property for parking purposes shall be filed with the City prior to issuance of a building permit and/or certificate of occupancy, whichever occurs first. No use shall be continued if the parking is removed from the adjacent lot unless substitute parking is provided. Parking facilities provided by a parking district or parking authority are not subject to these locational requirements. (3334-6/97)

1. Parking in Yards in R Districts. The parking of motor vehicles, trailers, campers and boats shall be prohibited on all landscaped areas within the front one-half of the lot except as provided below. (3334-6/97)

(a) Oversized vehicles (see Definitions Chapter 203), campers, trailers and boats on trailers may be parked on the paved driveway area or on a paved area between the driveway and the nearest side property line provided that they do not project over any property line and that the area is kept free of trash, debris and parts. (3334-6/97)

(b) Commercial oversized vehicles (see Definitions Chapter 203) or special purpose machines shall be prohibited in any yard area. (3334-6/97)

2. Parking in Yards in C or I Districts. Required yards may be used for required parking, subject to the landscaping standards of Chapter 232. (3334-6/97)

3. Access. When a lot abuts an arterial highway and a local street, access to on-site parking shall be from the local street. When a lot abuts an alley, then access to parking shall be provided from the alley unless the Planning Commission approves a different access. When a lot abuts two arterial highways or two local streets, access shall be subject to the approval of the Director of Public Works. (3334-6/97)

4. Non-residential Parking in R Districts. Non-residential parking serving adjacent commercial or industrial uses shall not be located in any R zoned property. (3334-6/97)

F. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading space shall be required. (3334-6/97)

G. Other Requirements.

1. Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this chapter governing location, design, improvement and operation. (3334-6/97)

2. Any motor vehicle incapable of movement by its own power and/or not licensed to operate on California streets shall be stored either in an enclosed building or entirely screened from view. (3334-6/97)

231.04 Off-Street Parking and Loading Spaces Required

A. Non-residential uses shall provide one loading space (minimum fourteen [14] feet in width, twenty [20] feet in length, and fourteen [14] feet in height) for each 20,000 square feet, or fraction thereof, of gross floor area; however, a maximum of three (3) such spaces are required for buildings exceeding 60,000 square feet. No loading space is required for non-residential uses with less than 20,000 square feet of gross floor area. (3334-6/97)

B. Off-street parking spaces shall be provided in accord with the following schedule. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified. (3334-6/97)

Where the use is undetermined, the approving body shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey data prepared by a state-registered traffic engineer for the applicant or collected at the applicant's expense. Parking spaces over and above the minimum number specified in this section may be required by the body responsible for reviewing the use itself based on the intensity of the use. (3334-6/97)

C. The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements. **This provision shall not apply to applications for development within the coastal zone that necessitate a coastal development permit.** (3526-2/02)

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (3334-6/97)

Use Classification	Spaces
Residential	
Single-family Dwellings	
New construction	
0-4 bedrooms	2 enclosed and 2 open
5 or more bedrooms	3 enclosed per unit and 3 open per unit
Existing Dwellings	
0-4 bedrooms	2 enclosed and 2 open[1]
5 or more bedrooms	2 enclosed per unit and 3 open per unit[1]
In the RMH-A district	2 enclosed spaces per unit with up to three bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed
Multi-family Dwellings	
Studio/one bedroom	1 enclosed space per unit
2 bedrooms	2 spaces (1 enclosed) per unit
3 or more bedrooms	2.5 spaces (1 enclosed) per unit
Guests	0.5 space per unit

[1]Open spaces may be behind any required spaces and/or on a street adjacent to the property. On-street parking may not be reserved for residents and/or guests but must be available to the general public on a first-come, first-serve basis.

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Senior	
Studio/one bedroom	1 covered space per unit
Two bedrooms	1.5 spaces per unit (1 covered)
Manufactured Homes	2 spaces per unit; one covered, and one may be behind the first
Guest	1 per 3 manufactured homes
Rooming House	1 space per guest room plus 1 space per owner/manager plus 1 space per each 10 guest rooms
Residential Care, Limited	1 per 3 beds
Public and Semi-public	
Clubs and Lodges	1 per 35 sq. ft. used for assembly purposes of 1 per 3 fixed seats (18 inches = one seat), whichever is greater
Cultural Facilities	1 per 300 sq. ft. gross floor area
Day Care, General	1 per staff member plus one per classroom
Government Offices	1 per 250 sq. ft. gross floor area
Heliports	As specified by use permit
Hospitals	1 per 1.5 beds
Maintenance and Service Facilities	1 per 500 sq. ft.
Park and Recreation Facilities	As specified by conditional use permit for private facilities
Public Safety Facilities	As specified by the conditional use permit
Religious Assembly	1 per 35 sq. ft. of public assembly area, or 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Residential Care, General	1 per 3 beds; plus additional spaces, as specified by conditional use permit
Schools, Public or Private	
Preschools, nursery day care	1 per staff member, plus one per classroom
Elementary, junior high	1.5 per classroom
High school/college	7 per classroom

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Schools, Public or Private-cont.	
Trade schools, music conservatories	1 per 35 sq. ft. of instruction area
Utilities, Major	As specified by conditional use permit
Commercial	
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces
Animal Sales and Services	
Animal boarding	1 per 200 sq. ft.
Animal grooming	1 per 200 sq. ft.
Animal hospitals	1 per 200 sq. ft.
Animal, retail sales	1 per 200 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Banks and Savings & Loans	1 per 200 sq. ft.
Drive-Up Service	Queue space for 5 cars per teller
Building Materials and Services	1 per 1,000 sq. ft. of lot area; minimum 10 plus 1/300 sq. ft. office area
Catering Services	1 per 400 sq. ft.
Commercial Recreation and Entertainment	
Bowling Alleys	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas
Electronic Game Centers	1 per 200 sq. ft.
Health Clubs	1 per 200 sq. ft.
Stables	1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit
Tennis/Racquetball	3 per court
Theaters	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Other Commercial Recreation and Entertainment	As specified by the Zoning Administrator or Planning Commission
Communications Facilities	1 per 500 sq. ft.
Eating and Drinking Establishments	
with less than 12 seats	1 per 200 sq. ft.
with more than 12 seats	1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Eating and Drinking Establishments-cont	
with dancing	Plus 1 per 50 sq. ft. of dancing area
with drive through service	Plus queue space for 5 cars per service window
Food and Beverage Sales	1 per 200 sq. ft.
Furniture and Appliance Stores	1 per 500 sq. ft. excluding areas used for storage or loading, but not less than 5
Funeral and Interment Services	1 per 35 sq. ft. of seating space
Hardware Stores	1 per 200 sq. ft. excluding areas used for storage or loading, but not less than 5
Horticulture, Limited	1 per 2 acres
Laboratories	1 per 500 sq. ft.
Maintenance and Repair Services	1 per 500 sq. ft.
Marine Sales and Services	1 per 500 sq. ft.
Nurseries	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area
Offices, Business and Professional	1 per 250 sq. ft. for less than 250,000 sq. ft.; 1 per 300 sq. ft. for 250,000 sq. ft. or more
Offices, Medical and Dental	1 per 175 sq. ft. (includes out-patient medical/surgery centers)
Pawn Shops	1 per 200 sq. ft.
Personal Enrichment Services	1 per 35 sq. ft. of instruction area
Personal Services	1 per 200 sq. ft.
Research and Development Services	1 per 500 sq. ft.
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft.
Sex Oriented Business	(3378-2/98)
Cabaret	with less than 12 seats, 1 per 200 sq. ft.; with 12 seats or more, 1 per 60 sq. ft. or 1 per 100 sq. ft. if on a site with three or more uses (3378-2/98)

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Sex Oriented Business (cont.)	
Encounter center	1 per 35 sq. ft. of instruction area (3378-2/98)
Escort bureau	1 per 250 sq. ft. (3378-2/98)
Hotel/Motel	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule (3378-2/98)
Mini-motion picture theater, motion picture theater or motion picture arcade	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats (3378-2/98)
Retail sales	1 per 200 sq. ft. (3378-2/98)
Swap Meets, Indoor/Flea Markets	1/100 sq. ft. except as may be modified by the Planning Commission through the conditional use permit process, after submittal, review and approval of a traffic engineering study
Vehicle/Equipment Sales and Services	
Automobile Rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1/300 sq. ft. office area; 1/200 sq. ft. auto service area
Automobile Washing (Car Wash)	
Full-service (attended)	10
With fuel sales	12
Self-service (unattended)	1.5 per wash stall
Service Stations	
full-serve/repair garage	1 per 500 sq. ft. but no less than 5
self-serve	2
with convenience markets	1 per 200 sq. ft. of retail space but no less than 8
with self-serve car wash	4
with self-serve car wash and convenience market	10
Vehicle/Equipment Repair	1 per 200 sq. ft. but no less than 5
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1 per 200 sq. ft. auto service area
Vehicle Storage	1 per 5,000 sq. ft. lot area; no less than 5
Visitor Accommodations:	
Bed and Breakfast	1 per guest room plus 1 guest and 1 manager/owner space

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Visitor Accommodations (cont.)	
Hotels, Motels	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Single Room Occupancy, Residential Hotels	1.0 per unit, 10% shall be designated as visitor parking; 1 per passenger transport vehicle (minimum of 1 stall) one loading space, and 2 spaces for any manager's unit, plus 0.5 per all remaining personnel (3494-5/01)
Warehouse and Sales Outlets	1 per 200 sq. ft.
Industrial	
Speculative buildings	1 per 500 sq. ft. (maximum 10% office area)
Manufacturing, research assembly, packaging	1 per 500 sq. ft.
Wholesaling, warehousing and distributing space	1 per 1,000 sq. ft.
Offices	1 per 250 sq. ft. if office area exceeds 10 percent of gross floor area
Outside uses: Storage, wrecking/ salvage and lumber yards	1 per 5,000 square feet of lot area, but no less than 5
Mini-storage facilities	
Single-story	1 per 5,000 square feet
Each additional story	1 per 2,000 square feet plus 2 spaces for any caretaker's unit

231.06 Joint Use Parking

In the event that two (2) or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately except as provided in this section. (3334-6/97)

The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces as part of the entitlement for the use or uses, or by conditional use permit when no other entitlement is required, when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours. Such joint use approvals shall be subject to the following: (3334-6/97)

1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and (3334-6/97)

2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and (3334-6/97)

3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

231.08 Reduced Parking for Certain Uses

A. The Planning Commission may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule "A" in Section 231.04, provided that the following findings are made: (3334-6/97, 3526-2/02)

1. The parking demand will be less than the requirement in Schedule A; and (3334-6/97, 3526-2/02)

2. The proposed use of the building or structure, will not generate additional parking demand; and (3334-6/97, 3526-2/02)

3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director. (3334-6/97)

B. The Planning Commission may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02)

231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area

Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

231.12 Parking Spaces for the Handicapped

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law. (3334-6/97)

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231.14 Parking Space Dimensions (3334-6/97)

Required parking spaces shall have the following minimum dimensions in feet. Striping requirements are depicted in Diagram A. Directional signs and/or pavement markings shall be provided in any facility in which one-way traffic is established. (3334-6/97)

Angle of Parking	Stall Width	Stall Depth	Aisle Width[1] 1-way	Aisle Width[1] 2-way
0° (Parallel)	9	19 (with 8 ft. Striped maneuvering area between every 2 spaces)	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
Compact	8	17	subject to Section 231.20	

[1]Minimum 24 feet when determined by Fire Department to be a fire lane.

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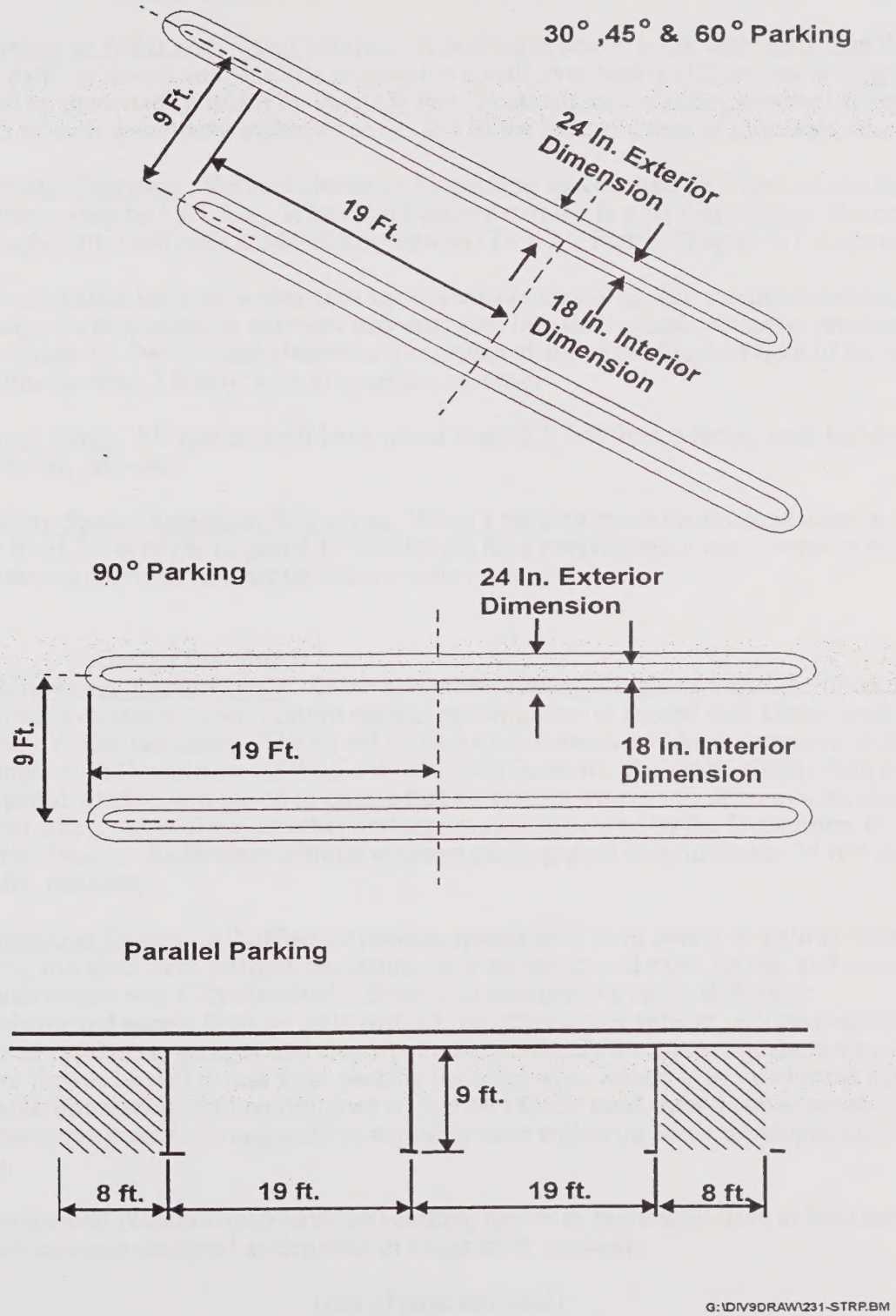

STRIPING REQUIREMENTS
DIAGRAM A

231.16 Application of Dimensional Requirements

A. Relation to Walls and Posts/Columns. A parking space on a site with more than five (5) parking spaces and which is adjacent to a wall over twelve (12) inches in height shall be increased in width by three (3) feet. Post/columns may be permitted along the side of each space only within three (3) feet of the head and foot of each stall. (3334-6/97)

B. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet. When handicapped parking is provided, vertical clearance shall comply with California Code of Regulations (Title 24, Part 2, Chapter 2-71). (3334-6/97)

For residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front 5 feet of a parking space. (3334-6/97)

C. Wheel Stops. All spaces shall have wheel stops 2.5 feet from a fence, wall, building or walkway. (3334-6/97)

D. Parking Space Dimension Reduction. When a parking space abuts a landscape planter, the front 2 feet of the required 19 foot length for a parking space may overhang the planter as provided in Chapter 232. (3334-6/97)

231.18 Design Standards

A. Public Works Requirements. Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width. (3334-6/97)

B. Circulation Design. All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development. (3334-6/97)

Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B. (3334-6/97)

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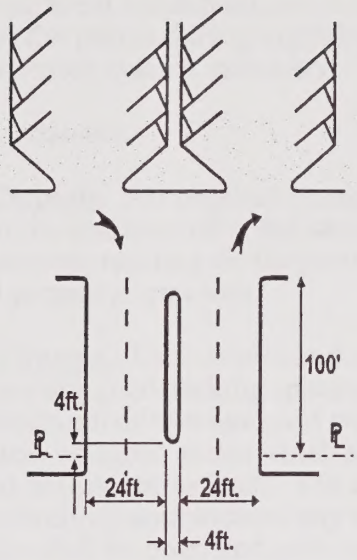
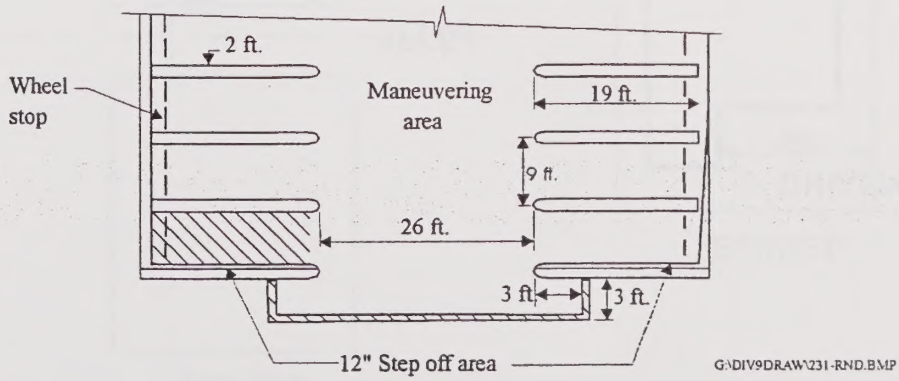


COMMERCIAL CENTER MAIN ENTRANCE FOR PARKING LOTS WITH OVER 200 SPACES

DIAGRAM B

A minimum 3-foot-by-3-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the Director.



TURN-AROUND SPACE AND MANEUVERING AREA

DIAGRAM C

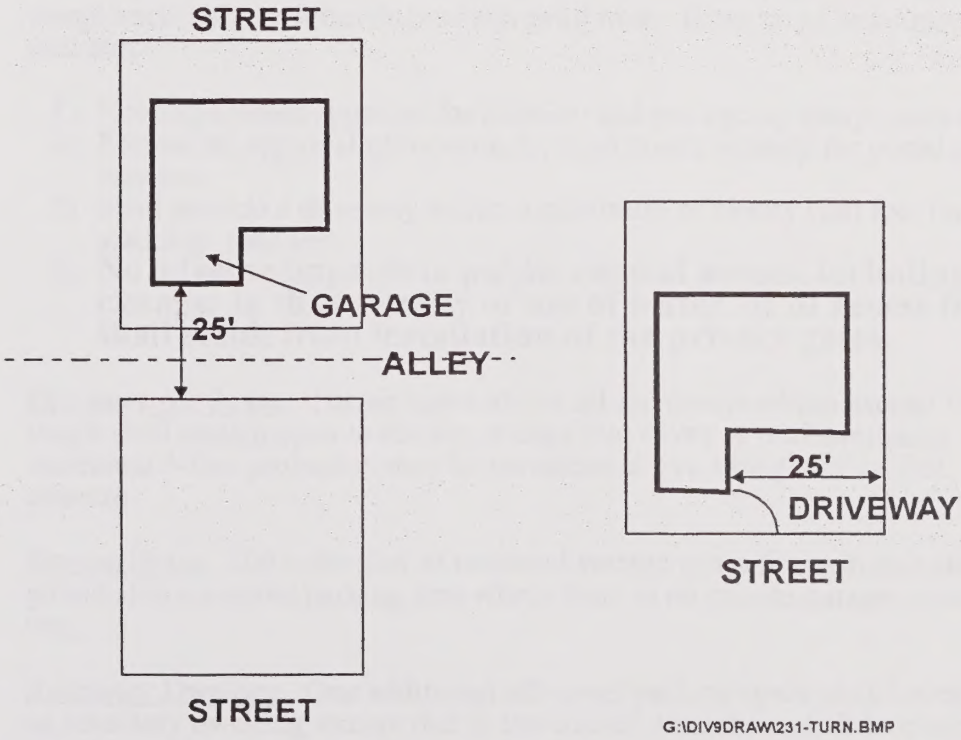
C. Illumination. All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (3334-6/97)

D. Residential parking. (3334-6/97)

1. Garages and Carports. All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property. (3334-6/97)

2. Assignment of Spaces. Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests. (3334-6/97)

3. Turning Radius. The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet. (See Diagram D) (3334-6/97)



TURNING RADIUS

DIAGRAM D

4. Driveway Width. (3334-6/97)

Length of Drive	Minimum Driveway Width
150 feet or less	10 ft. for single family dwellings
	20 ft. for multi-family dwellings
Greater than 150 feet	20 feet clear width Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible. (3334-6/97)

6. Coastal Zone. Each dwelling unit located in the Coastal Zone shall have a minimum of 2 on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius. (3334-6/97)

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces. (3334-6/97)

8. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3526-2/02)

   1) Fire Department approval for location and emergency entry. (3526-2/02)
   2) Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02)
   3) Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking. (3526-2/02)
   4) **No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.**

9. Driveway Air Space. The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum 4-foot projection may be permitted above a height of 14 feet. (3334-6/97, 3526-2/02)

10. Storage Space. 100 cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage. (3334-6/97, 3526-2/02)

11. Accessory Dwelling. One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four (4) parking spaces on-site. (3334-6/97, 3526-2/02)

E. Non-residential Parking and Loading. (3334-6/97)

1. Designated Parking. Parking spaces within an integrated, non-residential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the Director. (3334-6/97)

2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Planning Commission. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3334-6/97, 3526-2/02)

   14) Fire Department approval for location and emergency entry. (3526-2/02)
   2~~5~~) Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02)
   3~~6~~) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking. (3526-2/02)
   4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

3. Minimum Driveway Width. 25 feet when providing access to the rear of a structure. (3334-6/97)

4. Reciprocal Access. Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties. (3334-6/97)

5. Loading Location. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned or general planned residential. (3334-6/97)

6. Loading Design. Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities. (3334-6/97)

7. Landscape Buffer. Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided. (3334-6/97)

F. Seasonal and Temporary Parking Lots. Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards: (3334-6/97)

1. Paving shall be 2 inches of asphalt over compacted native soil, or as approved by the Department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator. (3334-6/97)

2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of 3 feet in height, solidly built. At a minimum, posts shall consist of 4" x 4" wood or equivalent metal posts a minimum of 1-1/2 inches in diameter securely set in the ground and placed 8 feet on center. The posts shall be connected with at least 1 strand of 1/2-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day. (3334-6/97)

3. Temporary parking lots shall have landscaped planters with an inside dimension of 3 feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection. (3334-6/97)

4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232. (3334-6/97)

5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be 6 feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September. (3334-6/97)

6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director. (3334-6/97)

7. An attendant shall be on duty at all times during business hours of seasonal parking lots. (3334-6/97)

8. An approved fire extinguisher shall be provided on the premises during business hours. (3334-6/97)

9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot. (3334-6/97)

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of $1,000,000 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services. (3334-6/97)

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a Certificate to Operate. (3334-6/97)

G. Parking Structures. Parking structures above or below grade shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a coastal development permit. All parking structures shall comply with the following requirements: (3334-6/97)

1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of 5 percent. The maximum slope for transition ramps with no adjacent parking spaces shall be 10 percent. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of 5 percent. (3334-6/97)

2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer. (3334-6/97)

3. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan. (3334-6/97)

4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping. (3334-6/97)

5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a coastal development permit. (3334-6/97)

231.20 Compact Parking (3334-6/97)

The Planning Commission, City Council, or Zoning Administrator, whichever is the review body, may allow use of compact parking to satisfy a portion of the required parking upon finding that compact parking will result in a more effective and efficient circulation pattern and parking layout and enhance the general appearance of the development and its surroundings. Compact spaces shall be distributed throughout the parking area and have the same aisle width as full-size spaces. Compact spaces shall be marked "COMPACT" on the foot of the stall. The number permitted shall be subject to the following standards: (3334-6/97)

A. Non-residential developments with a minimum of 20 spaces shall be permitted to have 20 percent of the total spaces as compact parking. (3334-6/97)

B. Residential developments with a minimum of 50 units may have 20 percent of the non-guest parking spaces as compact provided that an equitable system of assignment and distribution has been established. (3334-6/97)

231.22 Driveways; Visibility

Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall be consistent with the requirements of Section 230.88. (3334-6/97)

231.24 Landscape Improvements

Landscape, planting and irrigation plans shall be prepared consistent with the requirements of Chapter 232. (3334-6/97)

231.26 Parking Area Plan Required

Prior to the construction, reconstruction, or restriping of an off-street parking area, a parking area plan shall be submitted to the Director for the purpose of indicating compliance with the provisions of this section. This plan shall include: (3334-6/97)

A. Location and description of fencing and architectural screen walls. (3334-6/97)

B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards. (3334-6/97)

C. Location and placement of lights provided to illuminate the parking area. (3334-6/97)

D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices. (3334-6/97)

E. A landscape, planting and irrigation plan prepared consistent with the requirements of Chapter 232. (3334-6/97)

Single-family dwellings on pre-existing lots are exempt from this requirement. (3334-6/97)

231.28 Oceanside or On-Street Parking within the Coastal Zone

If any existing oceanside or on-street parking within the coastal zone is removed, it shall be replaced on a one for one basis in an area that would not result in the loss of any sandy beach area and within walking distance of the existing site. Replacement parking shall be assured prior to the issuance of the coastal development permit and shall be provided before any existing parking is removed so that there will be no reduction in the number of parking spaces available. (3334-6/97)

Legislative Draft for
Resolution No. 2004-20

Chapter 254 Dedications and Reservations

(3468-8/00, 3562-7/02)

Sections:

254.02 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easements

As a condition of approval of a tentative map, the subdivider shall dedicate, or make an irrevocable offer to dedicate, all parcels of land within the subdivision that are needed for required improvements, including access rights and abutters' rights. In addition, the subdivider shall construct or agree to construct all required improvements in accord with Chapter 255.

254.04 Waiver of Direct Access Rights

The City may require as a condition of approval of a tentative map that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property within or abutting the subdivision. Upon acceptance of the dedication, such waiver shall be reflected in an appropriate title document, which shall be recorded, and shall become effective in accordance with its provisions.

254.06 Dedications

All dedications of property to the City for public purposes shall be made in fee title, except that, at the City's discretion, the grant of an easement may be taken for the following purposes: open space easements, scenic easements, street easements or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the City, in its discretion, determines would not conflict with the intended ownership and use. The City may elect to accept an irrevocable offer of dedication in lieu of dedication.

254.08 Parkland Dedication

A. General. This Section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the City including the power to zone and the power to implement open space and recreational elements of the General Plan. This Section is adopted to implement the provisions of the Quimby Act which authorizes the City to require the dedication of land for park and recreational facilities or payment of in-lieu fees incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a residential subdivision. The park and recreational facilities for which dedication of land and/or payment of an in-lieu fee as required by this Section are in accordance with the policies, principles and standards for park, open space and recreational facilities contained in the General Plan. (3562-7/02)

The general purposes and objectives of this Section are: (3562-7/02)

1. To preserve, enhance and improve the quality of the physical environment of the City of Huntington Beach; (3562-7/02)

2. To provide a procedure for the acquisition, development and rehabilitation of local park and recreational facilities; (3562-7/02)

3. To secure for the citizens of Huntington Beach the social and physical advantages resulting from the provision of orderly park, recreation and open space facilities; (3562-7/02)

4. To establish conditions which will allow park and recreational facilities to be provided and to exist in harmony with surrounding and neighborhood land uses; (3562-7/02)

5. To ensure that adequate park and recreational facilities will be provided; (3562-7/02)

6. To provide regulations requiring five usable acres, or the proportionate share thereof, having a grade not exceeding two percent, for each 1,000 persons residing within the City to be supplied by persons proposing residential subdivisions. (3562-7/02)

B. Requirements. The requirements of this Section shall be complied with by the dedication of land, payment of a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this Section. The amount and location of land dedicated or the fees to be paid, or both, shall be used for acquiring, developing new or rehabilitating existing community and neighborhood parks and other types of recreational facilities in such a manner that the locations of such parks and recreational facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees, or both. Dedications for trails shall not be included as part of any requirements for park or recreational dedication. (3562-7/02)

Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the Director and the Director of Community Services in location, topography, environmental characteristics and development potential as related to the

intended use. The primary intent of this Section shall be construed to provide the land for passive and active recreation, including but not limited to: tot lots, play lots, playgrounds, neighborhood parks, playfields, community or regional parks, lakes, picnic areas, tree groves or urban forests, and other specialized recreational facilities that may serve residents of the City. Principal consideration shall be given therefore to lands that offer: (3562-7/02)

1. A variety of recreational potential for all age groups;

2. Recreational opportunities provided and maintained in a manner that will permit the maximum use and enjoyment by residents of the City of Huntington Beach; (3562-7/02)

3. Possibility for expansion or connection with school grounds;

4. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;

5. Coordination with all other park systems;

6. Access to at least one existing or proposed public street.

C. General Standard. It is hereby found and determined that the public interest, convenience, health, safety and welfare require that five acres of property for each 1,000 persons residing within the City be devoted to local park and recreational purposes.

D. Standards and Formula for Dedication of Land. Where a park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the subdivision, the subdivider shall dedicate land for park and recreation facilities sufficient in size and topography to meet that purpose. The amount of land to be provided shall be determined pursuant to the following standards and formula:

$$A = \frac{5.0\ (DF \times No.\ DU)}{1000}$$

1. Definitions of terms:

   a. A - the area in acres required to be dedicated as a park site or to be appraised for in-lieu fee payment for the subdivision. (3562-7/02)

   b. DF - density factor as determined pursuant to Section 254.08 (E). (3562-7/02)

   c. 5.0 - number of acres per one thousand persons.

   d. No. DU - number of dwelling units proposed in the subdivision.

2. When a proposed subdivision contains dwelling units with different density factors, the formula shall be used for each such density factor and the results shall be totaled.

3. Dedication of parkland shall not be required for parcel maps or subdivisions containing 50 parcels or less; except that when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50. (3562-7/02)

E. Density.

The amount of land dedicated or fees paid shall be based upon residential density, which is determined on the basis of the approved tentative map and the average number of persons per household. The average number of persons per household by unit in a structure shall be established by City Council resolution and be derived from the most recent available federal census or state or City population and housing data. (3562-7/02)

The number of dwelling units in a subdivision shall be the number proposed for construction. When the actual number of units to be constructed is unknown, it shall be assumed for the purposes of this chapter that the maximum number permissible by law will be constructed.

F. Standard Improvements. The dedication of land for park and recreational purposes shall not be deemed to waive any other requirements that may be imposed by the City. The subdivider may, at the time of the approval of the tentative map, be obligated by condition to said map to provide curbs, gutters, sidewalk, drainage facilities, street lighting, stop lights, street signs, matching pavement and street trees to full City standards, to stub-in requested standard improvements required for residential property plus initial on-site grading required for developing the park facility. In lieu of making said improvements and upon approval of the Planning Commission or City Council, whichever acts last on the tentative map, the subdivider may pay a sum as estimated by the Director of Public Works sufficient to cover the cost of said improvements. The environmental condition of any land dedicated pursuant to this Section shall satisfy all federal, state and local requirements applicable to parkland and recreational facilities. (3562-7/02)

G. Formula for Fees in Lieu of Land Dedication. (3562-7/02)

1. General Formula. Whenever the requirements of this Section are met solely on the basis of the payment of a fee in lieu of land dedication, the subdivider shall pay a fee in lieu of dedication equal to the value of the land prescribed for dedication in Section 254.08(D) and in an amount determined in accord with the provisions of Section 254.08(I). (3562-7/02)

2. Fees in Lieu of Land - 50 Parcels or Less. If the proposed subdivision contains 50 parcels or less and has no park or recreational facility, the subdivider shall pay a fee equal to the land value of the portion of the park or recreational facilities required to serve the needs of the residents of the proposed subdivision as prescribed in Section 254.08(D) and in an amount determined in accordance with the provisions of Section 254.08(I). When a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50. (3562-7/02)

3. Use of Fees. The fees paid to the City pursuant to this Section and the interest accrued from such fees shall be used, in accordance with the schedule developed pursuant to Section 254.08(M), for the purpose of acquiring, developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. All fees collected pursuant to this Section shall be transferred for deposit into a separate fund and used solely for the purposes specified in this Section. All monies deposited into the fund shall be held separate and apart from other City funds. All interest or other earnings on the unexpended balance in the fund shall be credited to the fund. The money deposited in the fund account shall be committed to the partial or full completion of necessary purchases or improvements within five years after payment thereof or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the money is not committed, it shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of each lot bears to the total area of all lots in the subdivision. Any requests for refunds shall be submitted to the Director in accordance with the procedures set forth in Section 254.08 (P). (3562-7/02)

4. Standard Improvements. When the requirements of this Section are met solely on the basis of the payment of a fee in lieu of land dedication, in addition to the in-lieu fee, the subdivider shall also pay an amount equal to 20 percent of the in-lieu fee to provide curbs, gutters, drainage facilities, street lighting, stop lights, sidewalks, street signs, matching pavement and street trees to full City standards, stubbing in of utility line services to the park facility, and all standard improvements required by the City for residential subdivisions. (3562-7/02)

H. Criteria for Requiring Both Dedication and Fee. If the proposed subdivision contains more than 50 lots, the subdivider shall both dedicate land and pay a fee in lieu of dedication in accordance with the following: (3562-7/02)

1. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park or recreational facility, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of Section 254.08(I) shall be paid for any additional land that would have been required to be dedicated pursuant to Section 254.08(D). (3562-7/02)

2. When a major part of the local park or recreational site has already been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated, and a fee, computed according to Section 254.08(I) shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated according to Section 254.08(D). (3562-7/02)

3. The fee shall be used for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision.

I. Amount of Fee in Lieu of Park Land Dedication. Where a fee is required to be paid in lieu of park land dedication, such fee shall be equal to the fair market value for each acre which would otherwise have been required to be dedicated by Section 254.08D. Fair market value of the land shall be determined by a qualified real estate appraiser that has been selected and retained by the City at the expense of the subdivider and is a member of the American Institute of Real Estate Appraisers ("Qualified Real Estate Appraiser"). The fair market value of the land shall be based on the average acre value of the property to be subdivided at the time of the recording of the final subdivision map, adjusted to reflect the value of such acre of property rough graded to a maximum two percent slope. Such appraisal shall exclude improvement. The date of value of the property for purposes of the appraisal shall be within 60 days of payment of the fee as referenced in Section 254.08L. (3468-8/00, 3562-7/02)

If the subdivider objects to the fair market value as determined by the Qualified Real Estate Appraiser, the subdivider may, at his own expense, retain another Qualified Real Estate Appraiser to complete a second appraisal. If the City disputes the fair market value as determined by the second appraisal, the matter will be submitted to binding arbitration at the expense of the subdivider. (3562-7/02)

Subdivisions Consisting of Three or Fewer Parcels. If the proposed subdivision contains three (3) or fewer parcels, the Director shall determine the fair market value of the property to be subdivided based upon the fair market value of adjacent parcels in consideration of site characteristics of the property. If the subdivider objects to the determination of the Director, the subdivider may retain, at his or her own expense, a Qualified Real Estate Appraiser to provide the fair market value of the property to be subdivided. In the event the Director's determination of the land value exceeds the Qualified Real Estate Appraiser's appraisal by more than $5,000.00, the average of both determinations shall be established as the fair market value. (3562-7/02)

J. Determination of Land or Fee. Whether the City accepts land dedication, or elects to require the payment of a fee in lieu of, or a combination of both, shall be determined by the Director after consideration of the following: (3562-7/02)

1. Policies, standards and principles for park and recreational facilities in the General Plan; (3562-7/02)

2. Topography, geology, access and location of land in the subdivision available for dedication;

3. Size and shape of the subdivision and land available for dedication;

4. Feasibility of dedication;

5. Compatibility of dedication with the General Plan;

6. Availability of previously acquired park property.

The determination by the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination of both, shall be final and conclusive.

K. Credit for Improvements and Private Open Space. If the subdivider provides park and recreational improvements to the dedicated land other than those referenced in Section 254.08 (F), the value of the improvements together with any equipment located thereon shall be a credit toward the payment of fees or dedication of land required by this Section. (3562-7/02)

Common interest developments as defined in Sections 1351 of the California Civil Code shall receive partial credit, not to exceed 50 percent, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this Section, for the value of private open space within the development, which is usable for active recreational uses, if the City Council, on the recommendation of the Community Services Commission, finds that it is in the public interest to do so, and that the following standards are met. (3562-7/02)

1. That yards, court areas, setbacks and other open areas required by Titles 20-24 (Zoning) shall not be included in the computation of the private open space;

2. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;

3. That the use of the private open space is restricted to park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property, and which cannot be defeated or eliminated without the consent of the City or its successor;

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and

5. That facilities proposed for the open space are in substantial accord with the provisions of the General Plan.

L. Procedure. (3562-7/02)

1. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land and/or pay the fees as determined by the City pursuant to this Section. (3562-7/02)

2. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final map or parcel map and, if approved, shall be recorded concurrently with the final map or parcel map.

M. Schedule of Use. At the time of the approval of the final map or parcel map, the City shall make a preliminary determination of how, when, and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision. Final scheduling of improvements to these new or rehabilitated parks or recreational facilities shall be made as part of the City's capital improvement program. (3562-7/02)

N. Not Applicable to Certain Subdivisions. The provisions of this Section do not apply to: (1) commercial or industrial subdivisions; or (2) to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added. (3562-7/02)

O. Exemptions. The following development shall be exempt from the payment of fees pursuant to this Section: (3562-7/02)

1. Development of real property into housing units that are either rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code, and provided that the applicant executes an agreement, in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and binding on the owner and any successor-in-interest to the real property being developed, guaranteeing that all of the units developed on the real property shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. (3562-7/02)

2. Subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years. (3562-7/02)

3. Exemptions pursuant to sections 1 or 2 above shall only be granted when the following findings can be made:

i. The project meets the minimum on-site private and common open space requirements; or
ii. The exemption will not individually or cumulatively result in adverse impacts to public recreational opportunities in the coastal zone; and
iii. The exemption will not individually or cumulatively lead to overcrowding or overuse of public facilities by the public in any single area in the coastal zone.

P. Appeals. Any person may appeal a determination of the City regarding the interpretation and implementation of this Section. Any such appeal shall be filed with the Director consistent with the requirements of Section 248.24 of the Huntington Beach City Zoning and Subdivision Ordinance. (3562-7/02)

Q. Refunds. Requests for refunds of in-lieu fees paid pursuant to this Section may be directed to the Director at any time. The Director may approve of a refund or a partial refund of park fees paid or release of security instruments when the following has been verified: (3562-7/02)

1. That the refund amount requested corresponds to the amount of fees actually deposited in the fund account established pursuant to Section 254.08 (G) (3) for a given number of dwelling units; and (3562-7/02)

2. That the local park requirement for the dwelling units in question had been met by actual Council acceptance of park land, or by an irrevocable recorded offer to dedicate a park land on a final tract map or parcel map; or (3562-7/02)

3. The subdivision or building permit approval for which fees were required has been withdrawn or is otherwise no longer valid. (3562-7/02)

254.10 School Site Dedication

A. General. As a condition of approval of a tentative map, a subdivider who develops or completes the development of one or more subdivisions within one or more school districts maintaining an elementary school shall dedicate to the school district or districts such lands as the City Council shall deem to be necessary for the purpose of constructing thereon elementary schools necessary to assure the residents of the subdivision adequate public school service.

B. Procedure. The requirement of dedication shall be imposed at the time of approval of the tentative map. If within 30 days after the requirement of dedication is imposed by the City Council the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after the filing of the final map or parcel map on any portion of the subdivision.

C. Payments to Subdivider for School Site Dedication. The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

1. The cost of any improvements to the dedicated land since acquisition by the subdivider;

2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;

3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

D. Exemptions. The provisions of subsections (A), (B), and (C) shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

254.12 Reservations

A. General. As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.

B. Standards for Reservation of Land. Where a park, recreational facility, fire station, library, or other public use is shown on the General Plan or an adopted specific plan, the subdivider may be required by the City to reserve sites as so determined by the City in accordance with the policies and standards contained in the General Plan or the adopted specific plan. The reserved area

must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically infeasible. The reserved area shall be consistent with the General Plan or the adopted specific plan and shall be in such multiples of streets and lots as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

C. Procedure. The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements unless the period of time is extended by mutual agreement.

D. Payment to Subdivider. The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.

E. Termination. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement in accordance with this section, the reservation of the area shall automatically terminate.

254.14 Local Transit Facilities

As a condition of approval of a tentative map, the subdivider shall dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, park-and-ride facilities and similar items which directly benefit the residents of the subdivision, if: (a) the subdivision as shown on the tentative map has the potential for 200 dwelling units or more if developed to the maximum density shown on the General Plan or contains 100 acres or more; and (b) if the City finds that transit services are or will be, within a reasonable time period, made available to the subdivision.

254.16 Bridges and Major Thoroughfares

The subdivider shall be required to pay a fee for the impacts of their proposed development on the city transportation system in accordance with Chapter 17.65 of the Huntington Beach Municipal Code.

254.18 Supplemental Improvement Capacity

A. As a condition of approval of a tentative map, the City may impose a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall, subject to the provisions of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

B. The City Council shall determine the method for payment of the costs required by a reimbursement agreement which may include but is not limited to the establishment and maintenance of local benefit districts for the levy and collection of such charge or costs from the property benefited.

C. No charge, area of benefit or local benefit district shall be established unless and until a public hearing is held thereon by the City Council and the City Council finds that the charge, area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

D. In addition to the notice required by Chapter 248, written notice of the hearing shall be mailed to those who own property within the proposed area of benefit as shown on the last equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time (10 days prior to the date established for the hearing).

254.20 Drainage Fees

The subdivider shall be required to pay a fee for the development of drainage facilities in accordance with Chapter 14.48 of the Huntington Beach Municipal Code.

254.22 Solar Access Easements

As a condition of approval of a tentative map, the City may impose a requirement that the subdivider dedicate easements for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. In establishing such easements, the City shall consider the feasibility, contour, configuration of the parcel to be divided, and cost. Required easements shall not result in reducing allowable densities or the percentage of a parcel which may be occupied by a building or a structure under applicable planning and zoning provisions in force at the time such tentative map is filed.

At the time of tentative map approval, the Zoning Administrator or the Planning Commission, as may be the case, shall specify: (1) the standards for determining the exact dimensions and locations of such easements; (2) any restrictions on vegetation, buildings an other objects that would obstruct the passage of sunlight through the easement; and (3) conditions, if any, under which an easement may be revised or eliminated.

This section is not applicable to conversion projects.

254.24 Other Public Facilities

As a condition of approval of a tentative map, the subdivider shall be required to dedicate land, pay fees, or both, for fire stations, library sites, child day care, public art or any other public facilities pursuant to, and in order to implement, the provisions of the General Plan regarding such facilities.

Res. No. 2004-80

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **20th day of September, 2004** by the following vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman
NOES: None
ABSENT: Cook, (Vacant Position Unfilled)
ABSTAIN: None

The foregoing instrument is a correct copy of the original on file in this office.
Attest OCTOBER 11 2005
JOAN L. FLYNN
City Clerk and Ex-officio Clerk of the City Council of the City of Huntington Beach, California.
By Patty Espe Deputy

Joan L. Flynn
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California

CITY OF HUNTINGTON BEACH

2000 MAIN STREET CALIFORNIA 92648

OFFICE OF THE CITY CLERK

JOAN L. FLYNN
CITY CLERK

October 7, 2005

Institute of Government Studies Library
University of California, Berkeley
109 Moses Hall #2370
Berkeley, CA 94720

Re: **Local Coastal Program Amendment No. 03-03**

Pursuant to *Government Code Section 50110 - Publications; Copies for State Library and University; Preservation* we are transmitting the following document(s):

City of Huntington Beach Resolution No. 2005-19
Adopting LCPA No. 03-03

If you have any questions, please call the Office of the City Clerk at 714-536-5227.

Sincerely,

Patty Esparza
Deputy City Clerk

enclosures: Certified Copy of City of Huntington Beach Resolution No. 2005-19

(Telephone: 714-536-5227)

RESOLUTION NO. 2005-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH APPROVING GENERAL PLAN AMENDMENT NO. 03-03

WHEREAS, General Plan Amendment No. 03-03 proposes to amend the Land Use Element to add timeshares as a permitted use within the Commercial Visitor (CV) land use category and within Subareas 4C (PCH/First Street) and 4D (Waterfront) and replace overnight accommodations language with hotels/motels and timeshares for consistency in the Commercial General (CG) land use category; and

Pursuant to the California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 03-03 and recommended approval of said entitlement of the City Council; and

Pursuant to California Government Code the City Council, after notice duly given, held a public hearing to consider General Plan Amendment No. 03-03; and

The City Council finds that said General Plan Amendment No. 03-03 is necessary for the changing needs and orderly development of the community, and that the inclusion of timeshares as an allowed use within the Commercial Visitor land use category is compatible with other permitted uses in the General Plan and is consistent with other elements of the General Plan; and

The City Council further finds that any potential environmental considerations associated with such allowance of timeshares has been adequately addressed in Environmental Impact Report No. 94-1, which analyzed the approved land use plan for the City that included the allowance of hotels and other overnight accommodations in various land use categories throughout the City,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1: The City Council of the City of Huntington Beach hereby adopts said amendment to the General Plan.

SECTION 2: That General Plan Amendment No. 03-03, which amends the General Plan Land Use Element to add timeshares as a permitted use within the Commercial Visitor (CV) land use category and within Subareas 4C (PCH/First Street) and 4D (Waterfront) and replaces overnight accommodations language with hotels/motels and timeshares in the Commercial General (CG) land use category, attached hereto as Exhibit A, is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of March, 2005.

Mayor

REVIEWED AND APPROVED:

City Administrator

APPROVED AS TO FORM:

City Attorney

3/2/05

HHM3/1/05

INITIATED AND APPROVED:

Director of Planning

Exhibit A General Plan Amendment

EXHIBIT A

EXHIBIT A

TABLE LU-2a

Land Use Schedule[6]

Land Use Category	Typical Permitted Uses
RESIDENTIAL	
Residential Low (RL)	Single family residential units; clustered zero-lot line developments; and "granny" flats.
Residential Medium (RM)	Single family residential units, duplexes, townhomes, and garden apartments.
Residential Medium High (RMH)	Townhomes, garden apartments, apartment "flats."
Residential High (RH)	Townhomes, garden apartments, and apartments.
COMMERCIAL	
Commercial Neighborhood (CN)	Small-scale retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drug stores, personal services, cultural facilities, institutional, health, government offices, and similar uses. Generally, individual establishments should not exceed 10,000 square feet. If permitted. their frontage should be designed to convey the visual character of small storefronts.
Commercial General (CG)	Retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drugstores, building materials and supplies, personal services, recreational commercial, **hotels/motels, timeshares** ~~overnight accommodations~~, cultural facilities, government offices, educational, health, institutional and similar uses.
Commercial Regional (CR)	Anchor department stores, outlet stores, promotional ("big box") retail, retail commercial, restaurants, entertainment, professional offices, financial institutions, automobile sales facilities, and similar region-serving uses.
Commercial Office (CO)	Professional offices and ancillary commercial services (financial institutions, photocopy shops, small restaurants, and similar uses).
Commercial Visitor (CV)	Hotels/motels, **timeshares,** restaurants, recreation-related retail sales, cultural uses (e.g., museums) and similar uses oriented to coastal and other visitors to the City.
INDUSTRIAL	
Industrial (I)	• Light manufacturing, research and development, warehousing, business parks and professional offices, supporting retail, financial, and restaurants, and similar uses. • Warehouse and sales outlets.
PUBLIC AND INSTITUTIONAL	
Public (P)	Governmental administrative and related facilities, such as public utilities, schools, public parking lots, infrastructure, religious and similar uses.

[6] See LU 7.1.1 and LU 7.1.2

TABLE LU-4 (Cont.)

Community District and Subarea Schedule

Subarea	Characteristic	Standards and Principles
4C PCH/First (Lake) Street	**Permitted Uses**	Category: Commercial Visitor ("CV") Visitor-serving and community-serving commercial uses, **hotel/motels, timeshares,** restaurants, entertainment, and other uses (as permitted by the "CV" and "CG" land use categories)
	Density/Intensity	Category: "-F7" • Height: eight (8) stories
	Design and Development	Category: Specific Plan ("-sp") • Establish a unified "village" character, using consistent architecture and highly articulated facades and building masses. • Require vertical setbacks of structures above the second floor. • Incorporate pedestrian walkways, plazas, and other common open spaces for public activity. • Provide pedestrian linkages with surrounding residential and commercial areas. • Establish a well-defined entry from PCH. • Maintain views of the shoreline and ocean.
4D Waterfront	**Permitted Uses**	Category: Commercial Visitor ("CV") Hotels/motels, **timeshares,** and supporting visitor-serving commercial uses (in accordance with Development Agreement)
	Density/Intensity	Category: "-F7" • Hotel/motel rooms: 1,690 • Commercial: 75,000 square feet
	Design and Development	Category: Specific Plan ("-sp") As defined by the adopted Development Agreement.
4E PCH/Beach Northeast	**Permitted Uses**	Category: Open Space Conservation ("OS-C"), uses permitted by the Commercial Visitor ("CV") land use category, and free-standing multi-family housing ("RM"). **(Please refer to the Land Use Map for the exact boundaries of each land use designation.)**
(Continued on next page)	**Density/Intensity**	Category: • For RM designations, 15 units per acre • For CV designations, F2 • Height: three (3) stories

Res. No. 2005-19

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **21st day of March, 2005** by the following vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr
NOES: Sullivan, Cook
ABSENT: None
ABSTAIN: None

Joan L. Flynn

City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

ATTACHMENT 2

ATTACHMENT NO. 2

SUGGESTED FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT NO. 03-03

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 03-03:

1. Zoning Text Amendment No. 03-03 to amend the Downtown Specific Plan, specifically Districts 7 and 9, to include timeshares as a permitted use and add a definition of timeshares is consistent with the objectives, policies, general land uses and programs specified in the General Plan because the achievement of diverse land uses will sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for the zoning district for which it is proposed. Districts 7 and 9 currently allow for hotels, and timeshares are permitted in the Commercial Visitor and Commercial General districts elsewhere in the City. Timeshares are a visitor-serving use that is compatible within hotels and visitor serving areas.

3. A community need is demonstrated for the change proposed. The allowance of timeshares in the Downtown Specific Plan will strengthen and diversify the economic base of the City's primary tourist node. Further, an adequate and substantial availability of overnight transient accommodations has been shown to exist within the City providing adequate access to the coastal area. Also, an increase in such accommodations is reasonably expected to occur in the future that will accommodate growth in the number of visitors to the City's coastal zone.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. Timeshares are very similar in use to hotels, which are already a permitted use. The allowance of timeshares will not result in any negative impacts to the community or adjacent uses.

ATTACHMENT 3

ATTACHMENT 3

ORDINANCE NO. 3702

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE DOWNTOWN SPECIFIC PLAN OF
THE CITY OF HUNTINGTON BEACH

WHEREAS, the City Council of the City of Huntington Beach has previously adopted the Downtown Specific Plan; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings relative to amending the Downtown Specific Plan, wherein both bodies have carefully considered all information presented at said hearings; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1: The Downtown Specific Plan is hereby amended as set forth in the Legislative Draft attached hereto as Exhibit A.

SECTION 2: Except as specifically modified herein, all other sections of the Huntington Beach Downtown Specific Plan shall remain in full force and effect.

SECTION 3: This ordinance shall become effective immediately upon certification of the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 4th day of April, 2005.

ATTEST:

City Clerk

Mayor

REVIEWED AND APPROVED:

City Administrator

APPROVED AS TO FORM:

City Attorney

LHM 3/1/05

3/2/05

INITIATED AND APPROVED:

Director of Planning

ord/05zoning/downtown SP timeshares

EXHIBIT A

Public open space: Outdoor or unenclosed area on the ground floor or above floor levels designed and accessible for use by the general public. Public open space may include one of the following: patios, plazas, balconies, gardens or view areas accessible to the general public, and open air commercial space, open to the street on the first floor, or on at least one side, above the first floor, or open to the sky. The open space requirement can be met anywhere in the development; however, open space provided above the second floor will receive only fifty (50) percent credit toward this requirement. This requirement cannot be met by open areas which are inaccessible to the general public or are contrary to specific requirements of a district.

Public right-of-way: That property dedicated through acquisition or easement for the public right-of-way or utility purposes which includes the area spanning from the property line on one side of a street to the property line on the other side of a street.

Recreational Vehicle: A travel Trailer, pick-up camper or motorized home with or without a mode of power and designed for temporary human habitation for travel or recreational purposes.

Rehabilitation: The physical repair, preservation, or improvement of a building or structure. Does not include an expansion of existing floor area greater than ten (10) percent; does not increase the building height; does not result in an increase in permitted density.

Residual parcel: A legal lot which does not meet the requirements for a building site within the District in which it is located, and where the abutting sites are already developed.

Right-of-Way (ROW): That portion of property which is dedicated or over which an easement is granted for public streets, utilities or alleys.

Semi-subterranean parking: Parking structure which is partially recessed into the development site, and which may or may not support additional structures above (e.g. dwelling units, tennis courts, or parking structures).

Setback: A stipulated area adjacent to the lot lines which must be kept free of structures over forty-two (42) inches high.

Street level: The elevation measured at the centerline of the public street adjacent to the front setback at a point midway between the two side property lines.

Suite Hotel: A building designed for or occupied as a temporary lodging place which contains guest rooms and may contain kitchenettes and a separate living room for each unit.

Timeshares: Any master planned development wherein a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and shall include, but not be limited to timeshare estate, interval ownership, vacation license, vacation lease, club membership, timeshare use, condominium/hotel, or uses of a similar nature.

Townlot: The area and parcels bounded by Pacific Coast Highway on the southwest, Goldenwest Street on the northwest, Palm Avenue on the north and northeast, and Sixth Street on the east and southeast.

4.9 DISTRICT #7: VISITOR-SERVING COMMERCIAL

Purpose. This District extends southeast of the Downtown core adjacent to Pacific Coast Highway. The principal purpose of this District is to provide commercial facilities to serve seasonal visitors to the beaches as well as to serve local residents on a year round basis. This District also provides a continuous commercial link between the Downtown and the visitor-commercial/recreation District near Beach Boulevard.

Boundaries. District #7 extends from First Street to Huntington Avenue between PCH and the proposed Walnut Avenue extension.

4.9.01 Permitted Uses.

(a) The following list of Visitor-Serving Commercial uses in District No. 7 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director:

- Art gallery
- Bakeries
- Banks and savings and loans branch offices (not to exceed five-thousand (5,000) square feet)
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Zoning and Subdivision Ordinance
- Clothing stores
- Delicatessens
- Florists
- Groceries (convenience)
- Ice cream parlors
- Laundromats, laundries
- Meat or fish markets
- Newspaper and magazine stores
- Newsstands
- Outdoor dining pursuant to S.4.2.33
- Photographic equipment sales
- Photographic processing
- Professional Office (not to exceed fifty [50] percent of total floor area)
- Public Transportation Center
- Shoe stores
- Sporting goods
- Tourist related public and semi-public buildings, services and facilities
- Travel agency

Note: Visitor-serving commercial uses must be a part of all development proposals in this District, with a minimum requirement that the entire street level be devoted to Visitor-Serving Commercial Uses.

(b) The following list of uses, or change of such use in District No. 7 may be allowed subject to the approval of a Conditional Use Permit.

- Automobile service stations
- Dancing and/or live entertainment
- Health and sports clubs
- Liquor stores
- Restaurants
- Taverns
- Theaters
- Hotels and motels
- Permanent parking lots and parking structures
- **Timeshare Units pursuant to section 4.9.12**

4.9.02 Minimum Parcel Size. No minimum parcel size shall be required for this District. However, prior to the approval of any development, including subdivision, a master site plan for the entire District shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

4.9.03 Maximum Density/Intensity.

(a) The maximum intensity of development shall be calculated by Floor Area Ratio (FAR) for the District. The floor area ratio shall apply to the whole District. The floor area ratio shall be 3.0 calculated on net acreage.

4.9.04 Maximum Building Height. The maximum building height shall be eight (8) stories.

4.9.05 Maximum Site Coverage. The maximum site coverage shall be fifty (50) percent of the net site area.

4.9.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifty (50) feet from PCH.

4.9.07 Setback (Side Yard). The minimum exterior side yard requirement shall be twenty (20) feet.

4.9.08 Setback (Rear Yard). The minimum rear yard setback shall be twenty (20) feet from the proposed Walnut Avenue extension.

Note: An additional ROW dedication will be required to provide for the Walnut Avenue extension.

4.9.09 Setback (Upper Story). No upper story setback shall be required in this District.

4.9.10 Open Space. Public open space and/or pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving orientation.

4.9.11 Corridor Dedication. Development in District #7 shall require the dedication of a twenty (20) foot corridor between Atlanta Avenue and PCH for public access between the southern end of the Pacific Electric ROW and PCH. This requirement may be waived if an alternative public use is provided or if the corridor is deemed unnecessary by the City. Any proposal for an alternative public use must be approved by the Planning Commission.

4.9.12 Timeshares. May be permitted as part of a master planned development and shall be conditioned as follows:

a) At least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the peak summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day).

b) The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

c) A description specifying how the twenty-five percent reserved transient overnight requirement of Section 4.9.12 (a) will be satisfied within the master planned development must be submitted at time of application.

4.11 DISTRICT #9: COMMERCIAL/RECREATION

Purpose. The purpose of this District is to encourage large, coordinated development that is beach-oriented and open to the public for both commercial and recreational purposes.

Boundaries. District #9 is bounded by PCH on the south, Beach Boulevard on the east, Huntington Street on the west, and on the north by the proposed Walnut Avenue extension.

4.11.01 Permitted Uses.

(a) The following list of commercial recreation uses in District No. 9 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Zoning and Subdivision Ordinance
- Retail sales
- Tourist related uses
- Outdoor dining pursuant to S.4.2.33

(b) The following list of uses, or change of such use in District No. 9 may be allowed subject to approval of a Conditional Use Permit. For example:

- Dancing and/or Live entertainment
- Recreational facilities
- Restaurants
- Hotels, motels
- **Timeshare Units pursuant to section 4.11.13**

4.11.02 Minimum Parcel Size. No minimum parcel size shall be required for this District. However, prior to approval of a Conditional Use Permit by the Planning Commission for any development, a master site plan for the entire District shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

4.11.03 Maximum Density/Intensity. The maximum intensity of development shall be calculated by floor area ratio (FAR) for this District. The floor area ratio shall apply to the entire project area. Floor area ratios shall be calculated on net acreage.

(a) The maximum floor area for developments in this District shall be calculated with a multiple of 3.0.

4.11.04 Maximum Building Height. No maximum building height shall be required.

4.11.05 Maximum Site Coverage. The maximum site coverage shall be thirty-five (35) percent of the net site area.

Note: A maximum of twenty-five (25) percent of the net site area can be used for parking and vehicular accessways.

4.11.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifty (50) feet, from PCH and Beach Boulevard.

4.11.07 Setback (Side Yard). The minimum exterior side yard requirement shall be twenty (20) feet.

Exception: The minimum exterior yard requirement from Beach Boulevard shall be fifty (50) feet.

4.11.08 Setback (Rear Yard). The minimum rear yard setback shall be twenty (20) feet.

Note: An additional ROW dedication will be required to provide for the Walnut Avenue extension.

4.11.09 Setback (Upper Story). No upper story setback shall be required.

4.11.10 Open Space. Development projects within this District shall provide public open space. A minimum of thirty (30) percent of the net site area must be provided for such a purpose. This area shall be available for public or semi-public uses for recreational purposes. Open space must have minimum dimensions of twenty-five (25) feet in each direction . Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of fifteen (15) percent of the required thirty (30) percent may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers or similar facilities. A fee may be imposed for the use of such facilities.

4.11.11 Pedestrian Overpass. A pedestrian overpass may be required to connect the development in this District to the City Beach, as a condition of approval for any new development on, or further subdivision of, parcels within the District. The City may waive this requirement if the City determines that overpasses are unnecessary or impractical considering the type and design of new developments.

4.11.12 Mobile home District. A portion of District #9 is zoned for mobile home use. Within this mobile home area, the provisions of the Mobile home District of the Huntington Beach Zoning and Subdivision Ordinance shall apply (see Section 4.16).

4.11.13 Timeshares. May be permitted as part of a master planned development and shall be conditioned as follows:

a) At least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the peak summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day).

b) The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

c) A description specifying how the twenty-five percent reserved transient overnight requirement of Section 4.11.13 (a) will be satisfied within the master planned development must be submitted at time of application.

Ord. No. 3702

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **regular** meeting thereof held on the **21st day of March, 2005,** and was again read to said City Council at a **regular** meeting thereof held on the **4th day of April, 2005**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Hansen, Coerper, Hardy, Green, Bohr

NOES: Sullivan, Cook

ABSENT: None

ABSTAIN: None

I, Joan L. Flynn, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on April 14, 2005.

In accordance with the City Charter of said City

Joan L. Flynn, City Clerk

Deputy City Clerk

Joan L. Flynn

City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

ATTACHMENT 4

ATTACHMENT NO. 4

SUGGESTED FINDINGS FOR APPROVAL

LOCAL COASTAL PROGRAM AMENDMENT NO. 03-02

SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM NO. 03-02:

1. Local Coastal Program Amendment No. 03-02 amends the City's certified Local Coastal Program to allow timeshares in the Commercial Visitor Land Use Category and within Subareas 4C and 4D, change the reference to overnight accommodations in the Commercial General Land Use Category to reflect hotels, motels and timeshares and in accord with Zoning Text Amendment No. 03-03 to allow timeshares within Districts 7 and 9 of the Downtown Specific Plan. The change is consistent with the Local Coastal Program because timeshares are similar to the hotel use that is already permitted within these areas.

2. Local Coastal Program Amendment No. 03-02 is in accordance with the policies, standards and provisions of the California Coastal Act by enhancing the variety of visitor serving uses and increasing the tourism potential from a larger market base.

3. The amendments conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because timeshares are a visitor serving use subject to the amenity standards of hotels and required to maintain public access to coastal recreation uses.

ATTACHMENT 5

RESOLUTION NO. 2005-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 03-02 TO AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCES TO PERMIT TIMESHARES IN THE COMMERCIAL VISITOR LAND USE CATEGORY AND TO REFLECT ZONING TEXT AMENDMENT NO. 03-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Section 30503 and 30510, the Planning Commission of the City of Huntington Beach held a public hearing to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 03-02; and

Such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public hearing on the proposed Huntington Beach Local Coastal Program Amendment No. 03-02, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Local Coastal Program (including the Land Use Plan), and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1: That Local Coastal Program Amendment No. 03-02 is the subject of this Resolution to allow timeshares in the Commercial Visitor district of the Local Coastal Program, including Subareas 4C and 4D, and modifying Policy 3.2.4 to add reference to the allowance of timeshares in the Commercial Visitor District and replace overnight accommodation language with hotels/motel and timeshares in the Commercial General land use category for consistency (Exhibit A).

SECTION 2: That the Huntington Beach Local Coastal Program Amendment No. 03-02 incorporates Zoning Text Amendment No. 03-03, a copy of which is attached hereto as Exhibit B, and incorporated by this reference as though fully set forth herein, is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of March, 2005.

Mayor

REVIEWED AND APPROVED:

City Administrator

APPROVED AS TO FORM:

City Attorney

3/2/05

HTM 3/1/05

INITIATED AND APPROVED:

Director of Planning

Exhibits

A. Local Coastal Program Element Amendments
B. Zoning Text Amendments

EXHIBIT A

EXHIBIT A

facilities on private land to be open to the public. (*I-C 7*)

C 3.2.3
Encourage the provision of a variety of visitor- serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas. (*I-C 1, I-C 2, I-C 3, I-C 4*)

C 3.2.4
Timeshares may be permitted in Commercial General District (CG), ~~and~~ Mixed Use Districts (M, MH, and MV), **and Commercial Visitor District (CV) as part of a master plan project,** provided that any such project be conditioned as follows: (*I-C 1, I-C 2, I-C 3, I-C 7*)

a) That at least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

b) That the timeshare facility operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

C 3.2.5
Establish an ongoing program to permit recreational vehicle camping during the winter months at City beach parking lots. (*I-C 22j*)

C 3.2.6
Encourage additional overnight recreational vehicle camping facilities, adequately screened, in the recreation areas on both sides of Newland Street near Pacific Coast Highway and on the State beach parking lots during the winter months. (*I-C 22j*)

C 3.2.7
Investigate the feasibility of providing year round camping below the bluffs, northwest of the Municipal Pier, between Ninth Street and Goldenwest Street. (*I-C 22j*)

C 3.2.8
Promote the implementation of and funding for the proposed Orange Coast River Park concept. The Orange Coast River Park is envisioned as a linkage of public parks (Talbert and Fairview Regional Parks) and private open space lands along and near the mouth of the Santa Ana River, including possible linkages with open space lands located on the inland side of Pacific Coast Highway, between the Santa Ana River and Beach Boulevard in Huntington Beach. (*I-C 1, I-C 2, I-C 17*)

C 3.2.9
Promote and support the implementation of the proposed Wintersburg Channel Class I Bikeway. (*I-C 1, I-C 2*)

C 3.2.10
Promote and support the development of, the City and County portions of the Harriett M. Wieder Regional Park. Include a continuous trail system from Huntington Central Park to the beach, along the eastern border of the Bolsa Chica wetlands, if feasible. (*I-C 1, I-C 2, I-C 17*)

C 3.2.11
Encourage and support the following recreational facilities and design characteristics within the Harriett M. Wieder Regional Park: (*I-C 1, I-C 2*)

a) Limit above ground structures to support facilities such as restrooms, picnic tables, bike racks, view

COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (Continued)

LAND USE CATEGORY	TYPICAL PERMITTED USES
COMMERCIAL	
Commercial Neighborhood (CN)	Small-scale retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drug stores, personal services, cultural facilities, institutional, health, government offices and similar uses. Generally, individual establishments should not exceed 10,000 square feet. If feasible, their frontage should be designed to convey the visual character of small storefronts. The Commercial Neighborhood (CN) designation shall utilize the standards of the General Commercial District (CG) of the Zoning Code for implementation.
Commercial General (CG)	Retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drugstores, building materials and supplies, personal services, recreational commercial, **hotels/motels, timeshares** ~~overnight accommodations~~, cultural facilities, government offices, educational, health, institutional and similar uses.
Commercial Visitor (CV)	Hotels/motels, **timeshares** restaurants, recreation-related retail sales, cultural uses (e.g., museums) and similar uses oriented to coastal and other visitors to the City. Marine related development such as marinas, retail marine sales, boat rentals, and boat storage which are coastal dependent developments shall have priority over any other type of development (consistent with resource protection) on or near the shoreline.
INDUSTRIAL	
Industrial (I)	Light manufacturing, energy production, resource production, research and development, warehousing, business parks and professional offices, supporting retail, financial, restaurants and similar uses. Warehouse and sales outlets. Marine related activities such as boat construction and dry boat storage. Coastal dependent development shall have priority over any other type of development (consistent with resource protection) on or near the shoreline.
PUBLIC INSTITUTIONAL	
Public (P)	Governmental administrative and related facilities, such as public utilities, schools, libraries, museums, public parking lots, infrastructure, religious and similar uses.

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
4B Existing Oil Property (Cont.)	**Design and Development**	Category: Specific Plan ("-sp") • Requires the preparation of and development in conformance with a Conceptual Master Plan of Development and Specific Plan. • The preparation of a Specific Plan may be phased in conformance with the conceptual Master Plan. • Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for "New Residential Subdivisions" **(Policies LU 9.3.1 and LU 9.3.4)**. • Allow for the clustering of mixed density residential units and integrated commercial sites. • Require variation in building heights from two (2) to four (4) stories to promote visual interest and ensure compatibility with surrounding land uses. • Commercial development shall be prohibited along the Palm Avenue frontage. • Residential development along Palm Avenue shall be compatible in size, scale, height, type, and massing with existing development on the north side of Palm Avenue. • Visitor Serving Commercial development shall be oriented along the Pacific Coast Highway frontage. • Minimize vehicular access points onto arterial streets and highways including Palm Avenue, Golden West Street, Pacific Coast Highway, and Seapoint Street. • Open space and neighborhood parks, which may be private, shall be provided on site.
4C PCH/First (Lake) Street	**Permitted Uses**	Category: Commercial Visitor ("CV") Visitor-serving and community-serving commercial uses, restaurants, entertainment, **hotels/motels, timeshares** and other uses (as permitted by the "CV" and "CG" land use categories)
	Density/Intensity	Category: "-F7" • Height: eight (8) stories
	Design and Development	Category: Specific Plan ("-sp") • Establish a unified "village" character, using consistent architecture and highly articulated facades and building masses. • Require vertical setbacks of structures above the second floor. • Incorporate pedestrian walkways, plazas, and other common open spaces for public activity. • Provide pedestrian linkages with surrounding residential and commercial areas. • Establish a well-defined entry from PCH. • Maintain views of the shoreline and ocean.

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
4D Waterfront	**Permitted Uses**	Category: Commercial Visitor ("CV") Hotels/motels, **timeshares** and supporting visitor-serving commercial uses (in accordance with Development Agreement)
	Density/Intensity	Category: "-F7" • Hotel/motel rooms: 1,690 • Commercial: 75,000 square feet
	Design and Development	Category: Specific Plan ("-sp") As defined by the adopted Development Agreement.
4E PCH/Beach Northeast	**Permitted Uses**	Category: Open Space Conservation ("OS-C"), uses permitted by the Commercial Visitor ("CV") land use category, and free-standing multi-family housing ("RM"). **(Please refer to the Land Use Map for the exact boundaries of each land use designation.)**
	Density/Intensity	Category: • For RM designations, 15 units per acre • For CV designations, F2 • Height: three (3) stories
	Design and Development	Category: • Establish a major streetscape element to identify the Beach Boulevard-PCH intersection. • Site, design, and limit the scale and mass of development, as necessary, to protect wetlands. • Maintain visual compatibility with the downtown. • Incorporate onsite recreational amenities for residents. • Minimize access to and from PCH, providing an internal roadway system. • Incorporate extensive landscape and streetscape.
4F Wetlands	**Permitted Uses**	Category: Conservation ("OS-C") • Wetlands conservation.
4G Edison Plant	**Permitted Uses**	Category: Public ("P") and Conservation ("OS-C") • Wetlands conservation. • Utility uses.
	Design and Development	In accordance with **Policy LU 13.1.8**.
4H Brookhurst-Magnolia	**Permitted Uses**	Category: Conservation ("OS-C") Wetlands conservation.

EXHIBIT B

EXHIBIT B
IS INCLUDED IN THIS RCA AS ATTACHMENT NO. 3 AND WILL BE INCLUDED IN THIS RESOLUTION UPON ADOPTION

ORDINANCE NO. 3702

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE DOWNTOWN SPECIFIC PLAN OF
THE CITY OF HUNTINGTON BEACH

WHEREAS, the City Council of the City of Huntington Beach has previously adopted the Downtown Specific Plan; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings relative to amending the Downtown Specific Plan, wherein both bodies have carefully considered all information presented at said hearings; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1: The Downtown Specific Plan is hereby amended as set forth in the Legislative Draft attached hereto as Exhibit A.

SECTION 2: Except as specifically modified herein, all other sections of the Huntington Beach Downtown Specific Plan shall remain in full force and effect.

SECTION 3: This ordinance shall become effective immediately upon certification of the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 4th day of April, 2005.

ATTEST:

Joan L. Flynn
City Clerk

Mayor

REVIEWED AND APPROVED:

Penelope Culliney Cupp
City Administrator

APPROVED AS TO FORM:

Ranger M Gaston
City Attorney
LHM 3/1/05
3/2/05

INITIATED AND APPROVED:

Director of Planning

ord/05zoning/downtown SP timeshares

EXHIBIT A

Public open space: Outdoor or unenclosed area on the ground floor or above floor levels designed and accessible for use by the general public. Public open space may include one of the following: patios, plazas, balconies, gardens or view areas accessible to the general public, and open air commercial space, open to the street on the first floor, or on at least one side, above the first floor, or open to the sky. The open space requirement can be met anywhere in the development; however, open space provided above the second floor will receive only fifty (50) percent credit toward this requirement. This requirement cannot be met by open areas which are inaccessible to the general public or are contrary to specific requirements of a district.

Public right-of-way: That property dedicated through acquisition or easement for the public right-of-way or utility purposes which includes the area spanning from the property line on one side of a street to the property line on the other side of a street.

Recreational Vehicle: A travel Trailer, pick-up camper or motorized home with or without a mode of power and designed for temporary human habitation for travel or recreational purposes.

Rehabilitation: The physical repair, preservation, or improvement of a building or structure. Does not include an expansion of existing floor area greater than ten (10) percent; does not increase the building height; does not result in an increase in permitted density.

Residual parcel: A legal lot which does not meet the requirements for a building site within the District in which it is located, and where the abutting sites are already developed.

Right-of-Way (ROW): That portion of property which is dedicated or over which an easement is granted for public streets, utilities or alleys.

Semi-subterranean parking: Parking structure which is partially recessed into the development site, and which may or may not support additional structures above (e.g. dwelling units, tennis courts, or parking structures).

Setback: A stipulated area adjacent to the lot lines which must be kept free of structures over forty-two (42) inches high.

Street level: The elevation measured at the centerline of the public street adjacent to the front setback at a point midway between the two side property lines.

Suite Hotel: A building designed for or occupied as a temporary lodging place which contains guest rooms and may contain kitchenettes and a separate living room for each unit.

Timeshares: Any master planned development wherein a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and shall include, but not be limited to timeshare estate, interval ownership, vacation license, vacation lease, club membership, timeshare use, condominium/hotel, or uses of a similar nature.

Townlot: The area and parcels bounded by Pacific Coast Highway on the southwest, Goldenwest Street on the northwest, Palm Avenue on the north and northeast, and Sixth Street on the east and southeast.

4.9 DISTRICT #7: VISITOR-SERVING COMMERCIAL

Purpose. This District extends southeast of the Downtown core adjacent to Pacific Coast Highway. The principal purpose of this District is to provide commercial facilities to serve seasonal visitors to the beaches as well as to serve local residents on a year round basis. This District also provides a continuous commercial link between the Downtown and the visitor-commercial/recreation District near Beach Boulevard.

Boundaries. District #7 extends from First Street to Huntington Avenue between PCH and the proposed Walnut Avenue extension.

4.9.01 Permitted Uses.

(a) The following list of Visitor-Serving Commercial uses in District No. 7 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director:

- Art gallery
- Bakeries
- Banks and savings and loans branch offices (not to exceed five-thousand (5,000) square feet)
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Zoning and Subdivision Ordinance
- Clothing stores
- Delicatessens
- Florists
- Groceries (convenience)
- Ice cream parlors
- Laundromats, laundries
- Meat or fish markets
- Newspaper and magazine stores
- Newsstands
- Outdoor dining pursuant to S.4.2.33
- Photographic equipment sales
- Photographic processing
- Professional Office (not to exceed fifty [50] percent of total floor area)
- Public Transportation Center
- Shoe stores
- Sporting goods
- Tourist related public and semi-public buildings, services and facilities
- Travel agency

Note: Visitor-serving commercial uses must be a part of all development proposals in this District, with a minimum requirement that the entire street level be devoted to Visitor-Serving Commercial Uses.

(b) The following list of uses, or change of such use in District No. 7 may be allowed subject to the approval of a Conditional Use Permit.

- Automobile service stations
- Dancing and/or live entertainment
- Health and sports clubs
- Liquor stores
- Restaurants
- Taverns
- Theaters
- Hotels and motels
- Permanent parking lots and parking structures
- **Timeshare Units pursuant to section 4.9.12**

4.9.02 Minimum Parcel Size. No minimum parcel size shall be required for this District. However, prior to the approval of any development, including subdivision, a master site plan for the entire District shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

4.9.03 Maximum Density/Intensity.

(a) The maximum intensity of development shall be calculated by Floor Area Ratio (FAR) for the District. The floor area ratio shall apply to the whole District. The floor area ratio shall be 3.0 calculated on net acreage.

4.9.04 Maximum Building Height. The maximum building height shall be eight (8) stories.

4.9.05 Maximum Site Coverage. The maximum site coverage shall be fifty (50) percent of the net site area.

4.9.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifty (50) feet from PCH.

4.9.07 Setback (Side Yard). The minimum exterior side yard requirement shall be twenty (20) feet.

4.9.08 Setback (Rear Yard). The minimum rear yard setback shall be twenty (20) feet from the proposed Walnut Avenue extension.

Note: An additional ROW dedication will be required to provide for the Walnut Avenue extension.

4.9.09 Setback (Upper Story). No upper story setback shall be required in this District.

4.9.10 Open Space. Public open space and/or pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving orientation.

4.9.11 Corridor Dedication. Development in District #7 shall require the dedication of a twenty (20) foot corridor between Atlanta Avenue and PCH for public access between the southern end of the Pacific Electric ROW and PCH. This requirement may be waived if an alternative public use is provided or if the corridor is deemed unnecessary by the City. Any proposal for an alternative public use must be approved by the Planning Commission.

4.9.12 Timeshares. May be permitted as part of a master planned development and shall be conditioned as follows:

a) At least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the peak summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day).

b) The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

c) A description specifying how the twenty-five percent reserved transient overnight requirement of Section 4.9.12 (a) will be satisfied within the master planned development must be submitted at time of application.

4.11 DISTRICT #9: COMMERCIAL/RECREATION

Purpose. The purpose of this District is to encourage large, coordinated development that is beach-oriented and open to the public for both commercial and recreational purposes.

Boundaries. District #9 is bounded by PCH on the south, Beach Boulevard on the east, Huntington Street on the west, and on the north by the proposed Walnut Avenue extension.

4.11.01 Permitted Uses.

(a) The following list of commercial recreation uses in District No. 9 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Zoning and Subdivision Ordinance
- Retail sales
- Tourist related uses
- Outdoor dining pursuant to S.4.2.33

(b) The following list of uses, or change of such use in District No. 9 may be allowed subject to approval of a Conditional Use Permit. For example:

- Dancing and/or Live entertainment
- Recreational facilities
- Restaurants
- Hotels, motels
- **Timeshare Units pursuant to section 4.11.13**

4.11.02 Minimum Parcel Size. No minimum parcel size shall be required for this District. However, prior to approval of a Conditional Use Permit by the Planning Commission for any development, a master site plan for the entire District shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

4.11.03 Maximum Density/Intensity. The maximum intensity of development shall be calculated by floor area ratio (FAR) for this District. The floor area ratio shall apply to the entire project area. Floor area ratios shall be calculated on net acreage.

(a) The maximum floor area for developments in this District shall be calculated with a multiple of 3.0.

4.11.04 Maximum Building Height. No maximum building height shall be required.

4.11.05 Maximum Site Coverage. The maximum site coverage shall be thirty-five (35) percent of the net site area.

Note: A maximum of twenty-five (25) percent of the net site area can be used for parking and vehicular accessways.

4.11.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifty (50) feet, from PCH and Beach Boulevard.

4.11.07 Setback (Side Yard). The minimum exterior side yard requirement shall be twenty (20) feet.

Exception: The minimum exterior yard requirement from Beach Boulevard shall be fifty (50) feet.

4.11.08 Setback (Rear Yard). The minimum rear yard setback shall be twenty (20) feet.

Note: An additional ROW dedication will be required to provide for the Walnut Avenue extension.

4.11.09 Setback (Upper Story). No upper story setback shall be required.

4.11.10 Open Space. Development projects within this District shall provide public open space. A minimum of thirty (30) percent of the net site area must be provided for such a purpose. This area shall be available for public or semi-public uses for recreational purposes. Open space must have minimum dimensions of twenty-five (25) feet in each direction . Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of fifteen (15) percent of the required thirty (30) percent may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers or similar facilities. A fee may be imposed for the use of such facilities.

4.11.11 Pedestrian Overpass. A pedestrian overpass may be required to connect the development in this District to the City Beach, as a condition of approval for any new development on, or further subdivision of, parcels within the District. The City may waive this requirement if the City determines that overpasses are unnecessary or impractical considering the type and design of new developments.

4.11.12 Mobile home District. A portion of District #9 is zoned for mobile home use. Within this mobile home area, the provisions of the Mobile home District of the Huntington Beach Zoning and Subdivision Ordinance shall apply (see Section 4.16).

4.11.13 Timeshares. May be permitted as part of a master planned development and shall be conditioned as follows:

a) At least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the peak summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day).

b) The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

c) A description specifying how the twenty-five percent reserved transient overnight requirement of Section 4.11.13 (a) will be satisfied within the master planned development must be submitted at time of application.

Ord. No. 3702

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **regular** meeting thereof held on the **21st day of March, 2005,** and was again read to said City Council at a **regular** meeting thereof held on the **4th day of April, 2005**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Hansen, Coerper, Hardy, Green, Bohr

NOES: Sullivan, Cook

ABSENT: None

ABSTAIN: None

I, Joan L. Flynn, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on April 14, 2005.

In accordance with the City Charter of said City

Joan L. Flynn, City Clerk

Deputy City Clerk

Joan L. Flynn

City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

Res. No. 2005-20

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN FLYNN, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **21st of March, 2005** by the following vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr
NOES: Sullivan, Cook
ABSENT: None
ABSTAIN: None

Joan L. Flynn

City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California